OBSERVATIONS

ON THE

GOVERNMENT AND LAWS

OF THE

UNITED STATES

OF

AMERICA,

TRANSLATED FROM THE FRENCH

OF THE

ABBÉ DE MABLY,

WITH A PREFACE

BY THE

TRANSLATOR.

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TRANSLATOR'S

PREFACE.

To a benevolent and philoſophical mind, there cannot be a more noble and intereſting object, than civil government, when conſidered with reſpect to the deſign of Providence in its appointment. It is intended to promote, not only the temporal ſecurity, comfort, and happineſs of man in his ſocial capacity; but alſo his improvement in knowledge and virtue, as an intelligent and moral agent. Its reſtraints are deſigned to check and diſcourage every malignant paſſion, and its whole aim is to add to the ſtrength, to increaſe the activity, and to enlarge the ſphere, of every generous and benevolent affection.

But when, with this view of the liberal and beneficent intentions of providence, the moraliſt compares the ſeveral governments actually eſtabliſhed, the pleaſing ſcene is at once overſpread with clouds, and the gloom of deſpondence ſucceeds the

ſunſhine of hope. Here he beholds governors, under various pretences, infringing the rights, pillaging the ſubſtance, and inſulting the feelings of the people: he ſees that, inſtead of inlarging, they contract the ſocial affections; that they reduce patriotiſm to a ſpirit of party, and philanthropy to nationality; that, inſtead of extirpating the malignant paſſions, they enliſt them in their ſervice, and call them into action, in order to promote their ſelfiſh and iniquitous views: in ſhort, he finds that every form of government, as it is actually adminiſtered, is, in ſome degree, founded in uſurpation, ſupported by prejudice, and exerciſed in oppreſſion.

It is a common and trite obſervation that man, when he enters into civil ſociety, muſt neceſſarily ſacrifice ſome of his natural rights, to obtain the ſecure poſſeſſion of the reſt; and, as government cannot be carried on without expence, it is but equitable that every individual, in return for the protection afforded him, ſhould contribute a part of his ſubſtance to its ſupport.

But the truth is, man does not neceſſarily relinquiſh any of his natural rights,

when he enters into civil ſociety; becauſe he is naturally a ſocial being, and therefore the moral laws of nature, as well as of revelation, impoſe upon him all thoſe reſtraints, that are abſolutely requiſite to the welfare of the community, which, in his ſeveral relations, they enjoin him to promote. To ſecure the obſervance of theſe laws, civil government adds the ſanction of certain and immediate puniſhment upon their violation. From accidental circumſtances, particular laws may become expedient; but the only obligations, additional to thoſe above mentioned, which are neceſſarily incurred upon entering into civil ſociety, ariſe from thoſe regulations, that relate to the proviſion to be made by individuals, for the ſupport of government.

But as every poſitive law, which is not abſolutely neceſſary to the welfare of the community, is an infringement of natural right, and therefore, in ſome degree, arbitrary and tyrannical; ſo whatever tax is raiſed more than is abſolutely neceſſary for the ſupport of the conſtitution, by whatever authority it may be exacted, or by what ever artful plea vindicated, is in

reality unjuſt in itſelf, and deſtructive to happineſs in its effects.

The liberal and humane philoſopher, the honeſt benevolence of whoſe heart is not corrupted by the crooked politics of princes and their miniſters, will feel it overflow whith compaſſion, on ſurveying the miſerable lot of mankind, who are the reſiſtleſs victims of the ambition and rapacity of a few, by whoſe iniquitous perverſion, the beneficent intention of Providence to promote virtue and happineſs, is, in many inſtances, rendered ſubſervient to the encouragement of vice, and the production of miſery. But what indignation muſt ariſe in his boſom, when he hears that theſe oppreſſors conſider it as a favour that they allow their fellow creatures to be plundered by none except themſelves, and call upon them to be grateful for that protection, in return for which, above half their ſubſtance is extorted from them!

Government, attended with theſe circumſtances, is abſolutely an evil: and what government is there actually eſtabliſhed, that is not attended with all theſe? Where is the government, in which the

lives of thouſands, the happineſs of millions, and the property of all, are not wantonly and unfeelingly ſacrificed to carry on wars, in which deluded nations are involved, not in ſupport of civil or religious liberty, not to repel invaſion from their borders, but to gratify the vain ambition, and inſatiable rapacity of their governors? Nor is this the worſt. Expences, however imprudently, or wickedly induced, when once incurred, muſt neceſſarily be paid. But where is the government in which the people are not extravagantly taxed, merely to gratify the vanity, the luxury, or the avarice of their rulers? Nay, is not much of what is thus iniquitouſly extorted, employed to deſtroy the happineſs of thoſe from whom it is torn? Is not a great part of the public wealth, in every country, perverted to the unworthy purpoſes of ſpreading corruption, of diminiſhing public ſpirit, and of undermining the virtue and happineſs, by ſecuring the ſervility of thoſe, whoſe protection from all oppreſſion was the pretence under which it was raiſed?

But though government attended with theſe unhappy circumſtances be an abſolute evil; it is an evil neceſſary to be

endured in order to avoid a greater; for even the worſt of governments is, upon the whole, productive of leſs miſery than anarchy. So unmanageable are the paſſions of mankind, that even when excited in the cauſe of virtue, though they may at firſt act conſiſtently with juſtice, they will ſoon tranſgreſs the limits of moderation, and become, like a torrent, reſiſtleſs in their courſe, and deſtructive in their effects. Hence where governments are already eſtabliſhed, though an abhorrence of ſervility, a manly ſpirit of freedom, and a warm zeal for the happineſs of mankind, can never be too much encouraged; yet many defects muſt be tolerated, and much oppreſſion ſuffered, before it can be adviſable either to alter the mode, or to depoſe the inſtruments of government. From the prejudices of the weak, the fears of the timid, and the rapacity of the corrupt, even the worſt and moſt tyrannical governors will always find a ſtrong party on their ſide; a revolution is not obtained without much bloodſhed, neither can future oppreſſion be prevented, nor liberty be ſecured to the people, without more precautions, than it is probable will be taken amidſt the tumultuous ſcenes of civil commotion. But ſhould the oppoſing

party fail of success, they will inevitably be sacrificed as the victims of their ill fortune; and, what is still more deplorable, their generous designs are injured even by their attempt, for an ineffectual resistance not only irritates the passions, but augments the power of malignant and tyrannical governors. Here therefore the friend of mankind must be satisfied with lamenting an evil, of which the removal is so exceedingly uncertain, and the remedy so very dangerous.

But the Americans,

" *O fortunatos nimium, sua si bona norint*"!

are indulged by Providence with a favorable concurrence of circumstances not to be paralleled in the history of mankind. They are descended from that nation, with whom, as a sacred deposit, all that was left of liberty seems to have been intrusted, by whom it has been repeatedly wrested from the grasp of tyrants, and transmitted, though not uninjured, to the present times. They live in an age of advanced civilization, in which the political as well as religious prejudices of darker ages are dispelled by the lights of a pure and liberal philosophy; and in which the rights of mankind are fully understood and ably vindicated. They are blessed with an

opportunity of deliberately forming a conſtitution of government upon the principles of liberty and humanity, in which the natural equality of mankind, together with their civil and religious rights ſhall be reſpected; in which freedom ſhall, as far as poſſible, be guarded from the extravagances of licentiouſneſs, as well as from the encroachments of oppreſſion. Such appears to be their deſign; and what heart is there ſo unhumaniſed by national prejudices, or rather by the rancour of a party, not to wiſh them ſucceſs? Of ſuch, could they alone ſuffer, ſlavery were deſervedly the portion.

To a people thus circumſtanced, the ſpeculations of a philoſophical politician may be of ſervice; and though ſome of his principles ſhould be deemed erroneous; yet to the judicious reader, he may diſcover ſome beneficial truths, ſuggeſt many uſeful precautions. and afford much advantageous information.

Such may be the benefits derived from the preſent publication, in which there are many excellent obſervations, and much knowledge of the human heart. There are indeed ſome ſentiments, which, to

those who have been long accuſtomed to think freely on political and religious ſubjects, will probably appear ſtrange; but in judging of theſe, let a candid allowance be made for the circumſtances of nation and religion. Let it be remembered that a frenchman writing upon liberty, if not ſhackled by the prejudices, is awed by the terrors of abſolute monarchy; and that a member of the Romiſh communion, if he would preſerve any appearance of conſiſtency, muſt be too much incumbered with the claims of his church, to conſider toleration in any other light than as a matter of political convenience The man to whom civil and religious liberty are remote objects, and who has ſurveyed them only at a diſtance, may ſincerely admire their charms, and wiſh to extend their empire; but he cannot be ſuppoſed to have ſo perfect an acquaintance with their features, or ſo exalted a ſenſe of their excellence, as thoſe by whom they have long been intimately known, and freely enjoyed.

From theſe circumſtances alone, can we account for the very low degree of eſtimation, in which our ingenious author ſeems to hold the people. He may not

perhaps have long reſided, and been perſonally converſant with nations,

" *Where e'en the peaſant boaſts his rights to ſcan,*
" *And learns to venerate himſelf as man*";

and judges of the people of America from the populace of an abſolute monarchy. Nor will it be ſuppoſed that they can have any great ſenſe of their dignity as men, or poſſeſs thoſe qualities, which are neceſſary rightly to value, and vigilantly to protect their freedom, who have been taught to tremble before a military ſubaltern, and to look up to the meaneſt dependents on a Court, or the loweſt claimants of nobility, as if they were beings of a ſuperior order. He ſeems to forget what he had himſelf obſerved, that the Americans were " the children of a free " people": and that" the form of govern- " ment, to which, from their infancy, " they had been accuſtomed, enabled the " people to enter into the arguments of " thoſe men of ſuperior merit, who, by " their knowledge, their prudence, and " their fortitude, have been the authors " of their happy revolution"!

The baſis of every free government is a democracy, nor can any be called free

except in proportion as they partake of this form. But a democracy, however perfect in theory has its disadvantages when carried into practice, and in obviating these, without destroying what, though connected with them, is excellent in itself, consists the wisdom of legislation. In this mode of government, the principal inconvenience will arise from the number to be consulted, and the forms necessary to be observed; which will render deliberation tedious, and action tardy: hence government will want promptitude. Another inconvenience may proceed from the various, perhaps inconsistent and contrary, sentiments of those who succeed each other, either in the legislative, or executive branch; and hence government may be deficient in stability of principle, and unity of design In order to obviate these, our author seems to incline towards an aristocracy. But by this, the first of these inconveniences would not be removed, for an aristocracy, if it be at all limited, is as tedious and formal in its proceedings as a democracy; and the other inconvenience will be much better obviated by means of a rotation, like that established in the executive council of Pensylvania.

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Our author's obſervations on the progreſs of commerce, wealth, and luxury are judicious, and founded on a thorough knowledge of the human heart. It is poſſible that, notwithſtanding all the wiſe precautions of the American legiſlators, their republics, from an influx of money, and conſequent relaxation of manners, may degenerate into ariſtocracies. But this a form of government, which, when unreſtrained by ſomething of monarchical power, is more unfriendly to liberty, and more galling to a free ſpirit than monarchy itſelf. The tyranny of a prince is comparatively of ſmall extent; but that of an ariſtocracy comes home to the boſoms of all; and the moſt valuable part of the community, thoſe in the middling ranks, are treated with contempt and arrogance by a claſs of men, who have no other mode of diſplaying their uſurped ſuperiority, than by a troubleſome and inſolent exertion of power, againſt which, as they are at once judge and party, no redreſs can be obtained. In a monarchy, oppreſſion, however diffuſed in its courſe, flows from a ſingle perſon, whoſe character may be humane and amiable, and who may have inclination equal to his power, to reſtify thoſe abuſes, and give redreſs in

those complaints, which are laid before him; but in an ariſtocracy, the ſources of oppreſſion are innumerably multiplied and diſperſed; from their equality of power, the injuries committed by one cannot be redreſſed by another; and their connections with the ſufferers in the common intercourſe of life renders their ſelfiſh paſſions and intereſts concerned in the diſpute When oppreſſed by a monarch, the mind finds ſome conſolation in reflecting upon the exalted rank in which the prejudices of the world have placed him, which, by removing him beyond the perſonal reach of the injured, furniſhes them with an excuſe for patiently ſubmitting; but to be unable to reſiſt the tyranny, and to puniſh the inſults of thoſe, with whom we are nearly upon a level, and engage in the common tranſactions of ſocial life, to whom neither the cuſtoms nor the prejudices of mankind have allotted a ſuperiority, are circumſtances, of all others, the moſt galling to a liberal mind.

The ſame degeneracy of principle, and corruption of manners, that would transform a democracy into an ariſtocratical government, would, in a little time, produce a further change, and render this

ariſtocracy abſolute and tyrannical; the con-
ſequence of this would be, that the deſpots
if they feared the reſentment of the people
would connect themſelves with ſome foreign
potentate, to whom they would betray
the intereſts of their country, for the ſake
of eſtabliſhing their own authority. Should
the people, after an ineffectual attempt to
reſiſt, be compelled to ſubmit to this,
they muſt expect to ſuffer all that the cruel
revenge of daſtardly tyranny can prompt,
which would be inflicted with more un-
relenting ſeverity, becauſe the deſpots
would act in a body, and as ſuch would
unfeelingly commit enormities, at the idea
of which, as individuals, they would ſtart
back with horror. To oppoſe this with
ſucceſs, the people muſt be headed by
ſome man of ſuperior character, who muſt
in a very high degree poſſeſs the talents
of a general, as well as of a ſtateſman,
in whom they muſt repoſe unlimited con-
fidence, who muſt have influence to unite,
and power to direct all their efforts. But
where, in ſuch extremities, ſhall the peo-
ple find the moderation and public ſpirit
together with the abilities of a Waſhing-
ton? Is there not infinitely more probabi-
lity of ſuch a leader's, acting the part of a

Cromwell, and usurping the power, if not the title, of an absolute monarch?

If human wisdom can insure the duration of the only form of government which is consistent with the dignity of human nature, the American constitutions bid fair to be lasting; nor can any thing, except an excessive partiality to the ancients, prevent our discerning their infinite superiority to the boasted republics of Sparta and Rome. The constitutions of of these were, in many respects, unjust and immoral, the latter was remarkably deficient in its principles of internal union; and both tended to produce a ferocious and contracted patriotism, little better than the spirit of union that connects a band of robbers, who, though they may talk of fidelity and honour among themselves, are the plunderers and murderers of all beyond the pale of their community.

But if any alteration should be necessary in the constitutions of the united states, in order to give greater stability to the government, to prevent encroachments on public liberty, or to remedy inconveniences incident to a democracy, that certainly ought to be avoided which would

incline the republic to the very ſide on which it is in the greateſt danger of loſing its freedom. It is poſſible that ſome few additional regulations, ariſing from local, and other accidental circumſtances, might be made with advantage; but of the exact propriety of theſe it is impoſſible for any to judge, who are not immediately on the ſpot: and the principles of theſe conſtitutions are ſo obviouſly excellent, that every one who underſtands the nature, and loves the enjoyment of liberty, will acknowledge them to ſurpaſs every thing the world has hitherto ſeen.

The Abbé's obſervations on religion will not be much reliſhed by thoſe, who conſider toleration as founded, not in political convenience, but in the inalienable right, which every man has, of enquiring after moral and religious truth, of believing and propagating what appears to him as ſuch, and of worſhipping the Deity in the manner moſt conformable to the dictates of his conſcience. Such will ſcarcely be diſpoſed to join with our author in his wiſh that, in order to prevent religious controverſies, "each church, after having explained its

"doctrines and discipline in a catechism,
"should be restrained from making any
"alteration in it, under pretence of ex-
"pressing its truths with greater perspicui-
"ty, or of arranging them in more regu-
"lar order. It is easy to see that this pro-
hibition would be far from answering the
end proposed, either in a political or moral
view. Those who have in this particular
attended to the operations of the human
mind will discern, that restraints of this na-
ture would not extinguish a spirit of con-
troversy; they would only contract the
channel in which it acts, and thereby ren-
der its impulse more violent. But why
should we wish to extinguish this spirit?
When religious controversy is carried on
without bigotry and illiberality, so far from
being prejudicial, it is really advantageous
to mankind; it promotes learning, sharp-
ens the judgment, and increases the vi-
gour of all the intellectual faculties. Nor
is any thing more likely to destroy bigotry
and illiberality, than a free and rational in-
tercourse between persons of several diffe-
rent opinions; whereas the restraints here
proposed, would tend to keep bigotry and
superstition alive, and be an effectual bar
to all improvement in religious knowledge.
Though it be true, that the object of all

religions, as they relate to ſociety, is the ſame; and that the ſincerely good of all perſuaſions are acceptable to the Deity, who will pardon involuntary errors; yet it is by no means conſiſtent with this ſincerity, for rational beings to profeſs religious opinions, merely becauſe they have once adopted them, though riper judgment ſhould diſcern them to be erroneous.

It may be ſuſpected that the worthy Abbé is rather too much attached to his own ideas, opinions and prejudices, when he expreſſes a wiſh to ſuſpend the liberty of the preſs, till congreſs had publiſhed a moral and political catechiſm, in order to prevent the pernicious conſequences of "the philoſophical ideas, opinions and "prejudices of England". In all reſtraints of this nature, as it is very difficult to draw the line, and almoſt impoſſible to prevent it from being tranſgreſſed; a free people can never be too vigilant to guard againſt their being impoſed under any pretence whatever. Religious is ſo intimately connected with civil liberty, and the freedom of the preſs with both, that they muſt all ſtand or fall together.

But why is the Abbé ſo particularly averſe

to the philoſophical ideas, opinions, and prejudices of England? Is this not rather inconſiſtent with that liberality which our ingenious Author profeſſes, and with the cauſe which he pretends to maintain? Of all the countries of Europe, England and Holland are thoſe in which ſentiments favorable to liberty are the moſt general; nor, if we except the Swiſs, is there any other, in which they can be ſaid to be national, Amidſt all thoſe reſentments which civil wars unhappily excite, the ſenſible and candid among the Americans will acknowledge that the principles maintained by the whigs in England, are thoſe upon which their conſtitutions are founded. They will recollect, that their anceſtors were Engliſh, who, with the reſt of their countrymen, have often ſtruggled in defence of their common freedom. They will remember, that to their having once been Engliſh, and to the principles which, as ſuch, they imbibed, they owe their late revolution. However grateful to the French for that aſſiſtance, to which they are indebted for their independence, they cannot be blind to their political motives; nor will they be deceived into a belief, that the government of France was actuated by a diſintereſted regard to that

liberty, of which it is so careful to depriv
its own subjects. They will reflect
that had they been the colonies of any
other kingdom, they would probably have
been too ignorant to know and to value
their natural rights, or too servile to assert
and defend them. In this case, instead of
being free and independent states, they
would, in all likelihood, have bowed their
necks beneath a yoke much more oppres-
sive than that of England; and would be
the abject slaves of an absolute monarchy.

There is one circumstance in the Ameri
can constitutions, which our author justly
reprehends and which appears inconsistent
with the manly and liberal principles upon
which they are founded. This is that the
clergy of the several persuasions are, not
only excluded from all civil offices, but
also deprived of the right of voting in elec-
tions. To confer any distinct privileges
on them, as clergy, would be impolitic;
but to deprive them, in any respect, of
their rights as men, is unjust This is also
an injury to the community, as there are
many civil offices, for which, from their
liberal education and general knowledge,
they are better qualified than the majori-
ty of their fellow citizens. If the reason

alledged for this be a fear of the intriguing ſpirit of churchmen; it may obſerved, that of this there can be little danger, where there is no national eſtabliſhed church, and conſequently, where the clergy are not ſufficiently connected, to be of any importance as a body diſtinct from the laity. But ſurely the beſt way to prevent the influence of any ſuch ſpirit, is to remove all civil diſtinctions between them and others; for then, having exactly the ſame rights and privileges with their fellow citizens, their political views and intereſts would be the ſame; whereas if they are diſtinguiſhed, either by the allowance of peculiar privileges, or an excluſion from rights enjoyed by the reſt of their countrymen, a ſeparate intereſt is, in fact, held up to their view; they are tempted to unite in purſuit of it; and a ſpirit of intrigue is excited among them, ſimilar to what would prevail among men of any other profeſſion, who found themſelves thus diſtinguiſhed from the reſt of mankind.

In theſe obſervations I have treated my author with a freedom, which I hope will not be conſtrued as illiberal. The liberty and happineſs of mankind in general are ſub-

jects so extensive and important, that th
zeal they inspire ought to annihilate ever
little national partiality and aversion.
honour the abilities of the Abbé de Ma
bly, and am happy to see them employe
in a subject, in which the rights of man
kind are so greatly concerned; but it i
the duty of every friend to these, to poin
out those prejudices, into which an attach
ment to any particular system is apt to le
even the most liberal minds.

OBSERVATIONS
ON THE
GOVERNMENT AND LAWS
OF THE
UNITED STATES
OF
AMERICA.

LETTER I.

To JOHN ADAMS, Esq. Minister Plenipotentiary from the United States, in Holland, and for the Negociation of a general Peace.

General and preliminary observations.

SIR!

I have examined, with all the attention in my power, the several constitutions of Government, upon which the United States of America have resolved; and, in compliance with your desire, I

ſhall do myſelf the honour of ſubmitting to you
inſpection the obſervations I have made, in hope
of your kind aſſiſtance towards my forming a
right judgment concerning them.

While almoſt all the nations of Europe are ig-
norant of the fundamental principles of ſociety,
and conſider citizens in no other light than as the
live ſtock of a farm, to be managed ſolely with a
view to the intereſt of the proprietor, they are
at once aſtoniſhed and inſtructed on beholding the
your Republics, conſcious of the real dignity of
man, derive from the ſources of the moſt libe-
ral philoſophy, thoſe humane principles, according
to which they determine to be governed.

It is happy for you, that the Kings of Eng-
land, when they granted to your anceſtors thoſe
charters upon which your Colonies were eſtabliſh-
ed, ſuffered themſelves to be guided ſolely by
their paſſions and prejudices. They had no view
except thoſe of ambition and avarice. While they
got rid of a number of citizens, who were a re-
ſtraint upon them, they beheld new provinces
ariſing, which were to increaſe the majeſty of
the Britiſh Empire. They flattered themſelves
with the proſpect of opening, to the commerce
of the mother country, new ſources of wealth,
and they wiſhed to promote your proſperity, in
order to derive greater advantages from it them-
yourſelves. Had thoſe Princes been ſufficiently
acquainted with the deſtructive policy of Machia-

vel, to give laws favourable to their own ambition, your ruin would have been inevitable. But their ignorance was your security. They followed the tenor of the English constitution, and established among your ancestors, laws and maxims of government, which, by reminding you that you were the children of a free people, called upon you to consult your common interests. Long had you been sacrificed to the interest of the mother country, and you considered this sacrifice as a just tribute, paid for the protection she afforded, and of which you stood in need. After the last war, in which the French lost all their possessions on your continent, you perceived that your masters were weakened, even by their own conquests; you began to be sensible of your own strength; while the court of London, blind to the alteration which had taken place both in your interests, and in its own, wanted to increase the weight of a yoke already too oppressive. Yet even then the hope of more favourable events, and of the establishment of independent sovereignty began to dawn upon you.

By listening to no suggestions except those of avarice and ambition in their dealings with you, the British Ministry compelled you to recollect that you had once been English; and the form of Government, to which from your infancy you had been accustomed, enabled the people to enter into the arguments of those men of superior merit, who by their knowledge, their prudence, and

their fortitude, have been the authors of your happy revolution. „ If England, they argued, „ assumed the right of proscribing the House of „ Stuart, in order to raise that of Hanover to the „ throne; what should prevent us from shaking „ off the yoke of George III. whose ministry, „ more severe and inflexible than James II, „ most cruelly abuses our generosity and zeal. The United States of America have behaved with much greater magnanimity than the united Provinces of the Netherlands. Instead of begging a master, as they did, from every quarter, your views were bent solely upon erecting among your selves a throne sacred to Liberty: in all your constitutions, you have recourse to the principles of nature; you have established this as an axiom, that all civil authority is derived from the people; that they alone have the unalienable right of making laws; and of abrogating or modifying them, when ever they either discover past error, or aspire to greater good. You have just ideas of the dignity of Man, and, by considering Magistrates in no other view than as the stewards of the community, you have closely united, and strongly attached all your citizens to each other and to the public interest, by the active sentiments of the love of their country and of liberty: may these sentiments be not merely the effect of a transient enthusiasm; but may they long subsist among you! May they influence all your deliberations, and give increasing stability to your federal republic!

It is a very advantageous circumſtance for the Americans, that the thirteen States have not blended their rights, their independence, and their liberties, by forming a ſingle republic, which would have eſtabliſhed common laws, and acknowledged common magiſtrates. Had this been the conduct of the colonies, it would have indicated a certain ſuſpicion and diffidence of themſelves, that would have had an omenous appearance, and have marked a total ignorance of what conſtitutes the true power of ſociety. Throughout that vaſt extent of country which you poſſeſs, how could the empire of the laws have been ſecured? Would not the ſprings of government neceſſarily have been relaxed, in proportion as they were remote from their center of motion? How could its vigilance be every where equally extended, either to prevent, or to remove abuſes? As the neceſſary conſequences of this, you would ſoon have found your courage abated, your manners degenerated, the love of liberty ſupplanted by licentiouſneſs, and you would ſpeedily have had a republic feeble and languiſhing, or elſe agitated by ſeditions that would have diſmembered it. The contrary reſolution which the colonies have taken to conſtitute a federal republic, while it preſerves to each its independence, gives the laws all the authority that is neceſſary to render them reſpected; and the Magiſtrate may be every where preſent. This you have experienced during the ſeven years of the war raſhly carried on by the Engliſh in order to ſubdue you: an emulation ſubſiſted among the

United States, that inſpired in all the ſame courage, and the ſame prudence. United by the tie of the continental Congreſs, none of your Provinces abated in their zeal for the common cauſe, but all yielded each other mutual aſſiſtance.

I hope that this original ſentiment of union and concord, with which you firſt roſe into being, may ſtrike deep root, and flouriſh in your hearts; that time, and the experience of the felicity you will enjoy may convince you that you cannot be happy at each others expence. One ineſtimable advantage to be expected from your confederacy is that it will preſerve you from that wretched ambition, which leads nations to conſider their neighbours as their enemies. Tranquil under the protection of the continental Congreſs, and full of confidence in each other, jealouſy, envy and hatred will be baniſhed from among you; and you will afford to America a ſpectacle ſimilar to what the Swiſs preſent to Europe, of which ſhe has not ſufficient wiſdom to know the value.

The continental Congreſs, that new Amphyctonic Council, but conſtituted under happier auſpices than that of ancient Greece, will be the common center in which every private intereſt will be blended together, and form one that will be general and invariable. The Delegates from the ſeveral States to this auguſt aſſembly, will there neceſſarily acquire more extenſive and ſocial views, which, on their return, they will com-

municate to their fellow citizens. May all those provinces, that are bounded by determinate limits, as Massachusets, Connecticut, Rhode Island, New Jersey, Delaware and Maryland, labour only under that one inconvenience, which is an honour to nations, I mean that happy abundance of citizens, which, while it is the best eulogium of government, is sometimes also an embarrassment to it. May these States, renew the scenes, once afforded by ancient Greece, whose happy colonies established a country in every spot. I hope that, instead of perverting to an abuse the multitude of their citizens, by endeavouring to make conquests, they will send them into those of your provinces, the lands of which want cultivation, and which have no bounds, except those of the continent itself. These emigrations will strengthen the ties of your common union and interests.

I take a pleasure in reminding you, Sir, of whatever may contribute to the happiness of America. You acquired your independence before you were acquainted with ambition, and you certainly will not imitate those nations of Europe, that have depopulated and weakened themselves, by establishing their colonies by force of arms. You are too well versed in the rights of Man, and of nations, to suffer cruel errors, the effects of fiefs and of chivalry, to mislead you, as they have misled the Spaniards, the Portugueze, the English and the French. I observe, with satisfaction

that you are at present in much happier circumstances, than even those ancient republics, for whose wisdom and virtue we entertain the greatest veneration; and that with less difficulty, you can impress on your establishments a character of stability, which renders the laws more beloved and respected.

You well know, Sir, that the ancient republics were in a manner inclosed within the walls of a single city, and possessed a very limited territory. All the citizens might easily repair to the public deliberations; and those numerous assemblies, in which was vested the legislative authority, and from which none could appeal, were exposed to the convulsive tumults of passion, infatuation, and enthusiasm, which often overturned all public order. Amidst these irregularities, the laws obtained not authority sufficient to determine the character of the citizens; and the republic was often indebted for safety merely to fortune, or to some great man, who arose to the assistance of the people, and took advantage of their consternation, to prevent the further abuse of their power.

Among the Americans, on the contrary, the multitude will be less bold, less imperious, and consequently less inconstant; because the extensive territory of each republic, and the number of its citizens, will not permit them all to be assembled at one time, and in one place. You have adopted the modern method of dividing the country

into cantons or districts, each of which deliberates on its own interests separately, nominates, and delegates its power to such citizens, as it judges most worthy to be its representatives in the legislative assembly of the republic. Hence it will be much easier to preserve regularity and order amongst them. The number of Representatives will never be so great as to degrade their assembly into a tumultuous mob. They will stand in awe of the public opinion; they will be conscious that they must render an account of their conduct to their constituents. Should they err, their errors can produce only a temporary evil, because their commission is limited to a year; nay, they will even serve to enlighten their successors, who will, without any great difficulty, repair their faults.

With pleasure, Sir, I observe that those rights, which you have acknowledged to subsist in the people, are most religiously respected in all your constitutions. They have taken into their protection, all those, who, because they have not contributed to the expences of the public, and have sold to masters the labour of their hands, are not yet members of the Republic. These Men, who under the description of slaves, were despised by the ancients, and who, even in Europe, with the title of freemen, languish in real servitude, you have had the address to attach to the fate of the republic, by affording them the means of rising superior to their station, of acquiring a peculium,

and cultivating an induſtry that will raiſe them to the rank of citizens.

It is in conſequence of theſe humane principles that by an expreſs and original law, you have adopted the mode of trial by juries, which is the moſt excellent expedient, that the wiſdom of man could invent, to eſtabliſh between the ſtrong and the weak an apparent, or rather a real equality. To each citizen you have inſured this firſt and moſt eſſential ſecurity, that no powerful enemy can oppreſs him. Not even the Magiſtrate can abuſe his power to gratify his private reſentments, under pretence of acting for the public ſafety. In moſt States of Europe, it might be imagined that their criminal juriſprudence was deſigned for no other purpoſe, than to enable government to ſave the guilty to whom it is partial, or to deſtroy the innocent with whom it may be at enmity, by the means of a judicial adminiſtration, proſtituted to its will. You know not, and I hope you never will know, thoſe private and ſecret proceedings, that are ſufficient to terrify even innocence; which diſturb, confound and deprive it of that coolneſs which is neceſſary to its defence. You will ever remember, that by endeavouring to deprive you of the beneficent ſecurity of Juries, and to render you ſubject to the tribunals of London, England ſought to eſtabliſh its tyranny over you. You ſee that to this ſalutary juriſprudence, the Engliſh are indebted for all the liberty they ſtill enjoy, and for that national ſpirit

that ſupports them in their decline. While the rich and great baſely ſell themſelves to adminiſtration, what would become of the nation, if the people, deprived of the protection of juries, were liable to be oppreſſed by arbitrary verdicts? They would loſe that bold and haughty ſpirit which is the laſt reſource of England. The United States of America have nothing to fear in this reſpect, as long as they forget not, that the founders of their original conſtitutions have earneſtly adviſed the legiſlative power, to correct thoſe laws which are too ſevere, which degrade the mind, or ſhock the feelings; and which, not being at all proportioned to the nature of crimes, can only lead into error the more ignorant citizens, whoſe circumſtances preclude them from much information, and who have ſcarcely any ſyſtem of morals except what the laws afford; theſe would be led to confound the nature of their ſeveral duties, and would not know which are the vices they ought to avoid with the greateſt care.

After having thus expreſſed my hopes, I muſt not, Sir, conceal my fears from you. I will agree with you, that a Democracy ought to be the baſis of every government that would derive the greateſt poſſible advantage from its citizens. It is indeed ſufficiently demonſtrated from invariable experience, that the people, in this mode of government alone, can intereſt themſelves in the welfare of their country, and by ſerving it with zeal, as well as courage, can in ſome meaſure

ſhare in the wiſdom of its rulers. But you will, I believe, acknowledge with me, that a Democracy muſt be managed, tempered, and eſtabliſhed, with the utmoſt prudence. You will obſerve that the multitude, degraded by their neceſſities, and by employments which condemn them to ignorance, and to mean and ſordid ſentiments, have neither opportunity nor time to acquire the liberal principles of a wiſe policy. Influenced by their prejudices, they will judge of the welfare of the ſtate according to their particular intereſts, and whatever moſt promotes theſe, they will deem the wiſeſt meaſures.

The people cannot believe themſelves free, without being tempted to abuſe their liberty, becauſe they have paſſions, which are conſtantly endeavouring to throw off every reſtraint. Hopes are excited, that prepare their minds to be leſs docile; they will naturally envy the lot of their ſuperiors, and wiſh either to riſe to an equality with them, or to degrade them to their own level. What are the conſequences of this? The citizens of the firſt claſs have alſo their paſſions, which take fire at the pretended inſolence of the people; who when acting only from the immediate impulſe of temporary circumſtances, will be accuſed of forming conſiſtent ſchemes for aggrandizing themſelves; and will be irritated when they ought to be appeaſed. Authority, in order to be preſerved, will be ſtretched to its utmoſt extent; and ſuch are the illuſions of paſſion, that even thoſe who aſpire

to

to the most arbitrary power, will persuade themselves that they are labouring only for the establishment of order and public tranquillity. Minds are inflamed; one act of injustice renders another necessary; reproaches arise; revenge alone then usurps the place of policy; Revolutions succeed each other, and chance alone decides the fate of the Republic. I cannot think, Sir, that I am deluding myself with empty fears. What has invariably happened to every nation, in which the liberty of the people was not established and directed with a prudence equal to that of Sparta, should instruct legislators never to introduce democracy into a Republic, without the utmost precautions.

I shall perhaps be told, that the laws of America are formed after the model of those of England, the wisdom of which has been celebrated by so many writers. I allow this; though for your own happiness, I wish I were not compelled to allow it: The Spirit of the English Laws is very visible in yours, but let me intreat you, Sir, to observe the prodigious difference between your circumstances, and those of England. The English Government was formed amidst feudal barbarity William the conqueror, and his successors were thought to be solely possessed of all the public authority, and so far were the people from entertaining any other idea than that of being born to servitude, that even the Barons themselves believed that they held their privileges only from

the munificence of their prince (*). This i
truth which cannot be doubted by any, who w

(*) Our very ingenious author ſeems here to ha
viewed the Engliſh conſtitution through the o
tics of Mr. Hume. Theſe notions of it have be
been readily adopted and eagerly propagated,
the violent of the Tory party, who ſcruple no
ſertion, how ever falſe, in ſupport of their fav
rite tenets: they were alſo exceedingly conveni
to Hume for the purpoſe of vindicating the tyr
ny of the Stuarts; which, from the order obſe
ved in writing his hiſtory, and its evident parti
lity to this infatuated family, appears to have be
the chief object of that plauſible and ſeduci
hiſtorian. William the firſt, and his ſucceſſo
though guilty of many tyrannical actions, y
acknowledged the forms of a limited monarch
and a free conſtitution. He received the cro
from the Peers and People, and took an oath
whereby he bound himſelf to govern the peop
juſtly, and preſerve to them their ancient Laws
among which, thoſe of Edward the confeſſor w
particularly mentioned. The following Paſſa
from King Henry's Charter, ſhews that the p
vileges of the ſubject were then not conſidered
depending merely on the munificence of the Prin
"If the King invade thoſe rights," (meani
the rights of the people) "it is lawful for t
"whole kingdom to riſe againſt him, and to
"him what injury they can, as though they ow
"him no allegiance." By an Act of Parliame
of the 12 Rich. II. it was enacted, "That if t

attentively peruse the grand Charter extorted by the Barons from King John, which became both the principle of all the political convulsions, under which the nation has laboured, and the rule of its conduct hitherto, for the establishment of that liberty, which it still enjoys. Thus the national character of the English was slowly formed; each individual became gradually accustomed to his circumstances and station; and long contracted habit has connected the ambition of the Prince with the liberty of the subject.

The United States of America were constituted

"King, through a foolish obstinacy, and contempt of his people, or perverse froward will, "or by any other irregular way, shall alienate "himself from his people, and will not be go"verned and regulated by the rights of the King"dom, and laudable ordinances made by the "council of the Lords, and great men of the "realms, but shall headily in his mad councils, "exercise his own arbitrary will; from thence"forth it is lawful for them, with the common "assent and consent of the people of the realm, "to abrogate or depose him from the Throne, "and set up in his stead, some body of kin, or "near of kin to the king of the royal stock."

See Lord Somer's Judgment of whole Kingdoms and nations § 53. See also Hurd's Moral and Political Dialogues. Dial. V and VI. in which this subject is very ably discussed.

in a very different manner; their laws are not the work of ſeveral centuries, and of a thouſand contradictory circumſtances ſucceeding each other. The commiſſioners or delegates, who regulated their conſtitutions, adopted the true and liberal principles of Locke, concerning the natural rights of man, and the nature of government. But was not the tranſition rather too ſudden, from your ſituation under the dominion of England, to your preſent circumſtances? I fear your minds were not ſufficiently prepared for it: and I have often told your countrymen; that I was too ſincerely intereſted in their welfare, not to wiſh them a war of length ſufficient to correct their prejudices, and to give them all thoſe diſpoſitions, which a free people ought to poſſeſs.

Suffer me, Sir, to enquire whether your new laws are rightly accommodated to the underſtanding, the knowledge, and the paſſions of the multitude, who are never ſufficiently diſcerning to diſtinguiſh between liberty and licentiouſneſs? Has not more been promiſed than will, or than can be performed? If, in conſequence of your former connections with England, you have among you the ſeeds of an ariſtocracy, which will continually increaſe in growth, was there not ſome degree of imprudence in endeavouring to eſtabliſh too pure a Democracy? This is ſetting laws and manners in oppoſition to each other. It appears to me that, inſtead of ſplendidly exciting the ambition and hopes of the people, it would have been more

pident merely to have propoſed freedom from the Britiſh yoke, and an obedience to Magiſtrates, whoſe mediocrity of fortune ſhould render them temperate in their views, and friends to the public welfare; while their rights ſhould have been regulated in ſuch a manner, as to obviate every fear of injuſtice: Your principal care ſhould then have been to ſet limits to the Ariſtocracy, and to make laws, that might reſtrain the rich from abuſing their wealth, and from purchaſing an authority, which ought not to belong to them.

I believe that the American conſtitutions place you nearly in the ſituation of the Romans, after the expulſion of the Tarquins. In order to intereſt the people in the cauſe of liberty, the Patricians made them the moſt magnificent promiſes. They ſeized upon all public authority, while the Plebeians fondly imagined that they ſhould be ſubject only to the laws. Thoſe abuſed their power, in which theſe were too haughty to acquieſce; and thus from oppoſite intereſts, aroſe all the diſſentions of the republic.

You, Sir, will perhaps tell me, that it is no diſadvantage to the United States of America, to reſemble the Romans, whoſe republic afforded the moſt aſtoniſhing ſpectacle, and eſtabliſhed its empire over all the then diſcovered world. In anſwer to this, I freely acknowledge, that there is not at this day a nation, that might not be happy to reſemble them in their defects, provided they

could, at the same time, resemble them in all their grand, wise, and magnanimous actions. But, unfortunately, the manners of modern times suffer us not to indulge these hopes; and these manners have reached even America. The love of their country, of liberty, and of Glory forsook not the Romans even in moments of the most violent civil rage; and their passions were habituated to a connection with justice and moderation. The Politics of Europe, founded in wealth and commerce, have long destroyed the ancient virtues, and I doubt much, whether a seven years war will have been sufficient to revive them in America. But be this as it may; I fear that the rich will endeavour to form a separate order, and to seize upon the whole authority in this, others, proud of the equality with which they have been flattered, will refuse to acquiesce and hence will necessarily result the dissolution of the government you designed to establish. Should such a revolution take place, by insensible degrees silently, and unnoticed by the people, it would be a proof that their minds were totally destitute of energy: Your Republic would indeed be exposed to no seditions, to no convulsions; but of what elevation of sentiment, of what liberality of heart, would your citizens then be capable? And without these qualities, how can true liberty subsist

If, on the contrary, this revolution should meet with resistance, what cabals, what intrigues, what secret treachery may there not be dreaded? How

I foreſee hatred, jealouſy, paſſions which know no limits in their career, and which lead on in their train a thouſand other vices, the harbingers of a tyranny fluctuating between raſhneſs and timidity.

I haſten, Sir, to a concluſion; to enter upon a new queſtion would, I fear, render my letter too tedious. In my next, I ſhall take the liberty to communicate to you my reflections, or my ſcruples, reſpecting the laws of Penſylvania, Maſſachuſets and Georgia. For why ſhould I conceal from you my fears and my doubts, as they are ſo many proofs of the intereſt I take in the happineſs of America, that are due to the ſentiments of friendſhip with which you are ſo kind as to honour me.

PASSY 24 *July* 1783.

LETTER II.

Reflections on the laws of Penſylvania, Maſſachuſet's and Georgia.

I am of opinion, Sir, that the moſt ſatisfactory method of inveſtigation, will be to commence with an examination of fundamental laws, by which I mean, the form of government that each republic has adopted. This it is, which firſt determines, and at length confirms the character of every people; If this government provides for all its exigenices; if all its parts are ſuited to each other; if they are all directed to the ſame end, and, inſtead of embarraſſing and hindering, mutually aſſiſt each other, I am certain that the proſperity of the Republic will be daily improving in ſtability. And this, becauſe the Paſſions, after having made unavailing efforts to throw off the authority of the laws, and to violate them with impunity, will gradually reſolve to ſubmit to them, in order to acquire a greater freedom of action. The manners of the citizen and of the government will then be the ſame, and thus the ſocial union will have all the perfection of which it is capable.

But if, on the contrary, the legiſlative power,

which is the ſoul of the ſtate, or the hinge upon which moves the whole political machine, be not founded upon juſt proportions, what diſorders may not enſue? Penſylvania has entruſted the right of legiſlation to a Houſe compoſed of freemen of the republic elected to repreſent there the inhabitants of their city or county, and in their name, to enact ſuch laws, and make ſuch regulations, as they ſhall judge moſt ſalutary. It is ordered, that theſe repreſentatives ſhall be ſelected from among thoſe perſons who are moſt noted for their wiſdom and virtue. Thus far all is well. But I muſt confeſs, Sir, that I can make no further reliance upon this deſcriptive clauſe, than as the legiſlator ſhall have taken the neceſſary meaſures to ſecure an exact obſervance of it.

If, from their manners, the Penſylvanians are diſpoſed to conform to this regulation; if integrity is high in their eſtimation, and they are inclined to reward it; why ſhould the legiſlator order the election of repreſentatives to be made by ballot? This mode of election being thought neceſſary inclines me to ſuſpect, that Penſylvania is far from poſſeſſing that ſpirit, which ought to animate a Democracy. I ſhould imagine that, on the one hand, there are men in their cities and counties already ſo powerful, that they muſt be treated with particular reſerve and caution, and that, on the other, it will be difficult to find Electors, who dare openly to ſpeak their minds. I find all well governed republics have wiſhed, that their citizens ſhould have

the courage to declare their ſentiments publicly: this accuſtoms them to entertain none, but what are honourable. The wiſeſt politicians of antiquity have cenſured the uſe of the Ballot, and we may remember what Cicero ſays of it, at a time when the Roman republic was torn into parties, which it was dangerous to offend. When truth is neceſſitated to come forth in ſecret, and beneath a maſk, falſehood is immediately ready to obtrude itſelf boldly. If the mode of election by ballot indicates the decline of a free ſtate, it ought not to be uſed in its infancy. If it is neceſſary, we may thence conclude that the rights of the Democracy require ſome further limitation.

No one, it is ſaid, ſhall be elected as a repreſentative unleſs he has reſided in the city or county for which he ſhall be choſen two years immediately before the ſaid election. This law is indeed much wiſer than that of England, which permits a perſon to be member of Parliament for a town or county, of which he is no inhabitant; but a trial of two years is not ſufficient to acquire my confidence: during ſo ſhort a period of time, a bad man may, without much difficulty, conceal his character, and pretend ſentiments foreign to his heart. I ſhould require a candidate to have paſſed through ſome public office in his city or county, that might afford him an opportunity of diſplaying his integrity and underſtanding. Men in general eſteem that alone to be of value, which they cannot obtain without conſiderable expence:

and it is of great importance, that the Legiſlative Power be compoſed of citizens accuſtomed to reſpect themſelves, and to entertain exalted ideas of the awful truſt with which they are veſted.

All the United States of America have required a certain quantity of property both in repreſentatives, and Electors: Penſylvania alone admits to theſe previleges, all inhabitants, without exception, who have, during a year, contributed towards the ſupport of government. It appears from this arrangement, that the Legiſlator has paid a greater attention to merit than to fortune; and, on the firſt view, nothing can ſeem more ſtrictly juſt. But may there not be ſome circumſtances, Sir, in which, the greateſt good being unattainable, it is moſt prudent to be ſatisfied with a leſs perfect eſtabliſhment. If a republic is ſo fortunate as to be yet unacquainted with either riches or poverty, this law of Penſylvania may, and ought to be enacted, becauſe, without being contradictory to the public manners, it will be favourable to the Democracy. But if fortune has already made ſuch a difference in the circumſtances of the citizens, as to render a diſtinction of rank unavoidable; inſtead of endeavouring after a pure Democracy, would it not be more prudent to grant to the people only ſuch privileges and rights, as are neceſſary to render the Ariſtocracy more circumſpect, and prevent it from indulging that ambition, to which it is naturally prone? In ſuch circumſtances perhaps the wiſeſt method would be to imitate the

policy of Solon, who, that he might not offend the wealthy, required the poſſeſſion of a certain revenue; to confer a right of attaining the offices of government.

No political danger is greater, than that, which reſults from the deſire of blending and uniting eſtabliſhments, which in themſelves, and ſeparately conſidered, are excellent, but will not bear to be combined. The laws of Penſylvania favour the Democracy without any reſerve; but this very partiality will only diſguſt the rich, who will never be ſatisfied to have no other rights and privileges, than what are common to the populace and the poor.

Permit me, Sir, to aſk whether you think, that the manners and prejudices you have contracted while under the Engliſh government, are ſuch as entitle you to aſpire to a pure Democracy, a mode of government excellent with good morals, but deteſtable with ours? For my part, I am of opinion that America is inclined towards an Ariſtocracy by a prevailing impulſe, that will overturn all the laws made to oppoſe it. Policy therefore, which ought to provide for futurity in regulating the preſent, will commit a capital error, if it attempts to eſtabliſh among citizens, in oppoſition to all their prejudices, an equality of rights, which for this reaſon cannot be of long duration. The more numerous the meaſures taken by the Legiſlator to inſure ſucceſs, the leſs he ſhould flatter himſelf with the

expectation of accompliſhing his hopes. His efforts themſelves will only tend to irritate thoſe ungovernable paſſions, which will precipitate the republic into either anarchy, or oligarchy.

I apprehend not falling into an error, when I aſſert, that a Democracy requires great ſeverity of manners; and I add, that however wiſe, and nicely adjuſted to each other, may be its conſtitutional laws, it cannot long ſubſiſt, except in a republic, like thoſe of ancient Greece, in which all the citizens were acquainted, were mutually the cenſors of each others conduct, and were conſtantly under the eye, and within the reach of the magiſtrate. The doctrine, which I here take the liberty of laying before you, I have derived from Plato, Ariſtotle, and all the ancient politicians; and to me their excellent theory appears to be but too amply illuſtrated by all hiſtory. I have at this moment, the map of your poſſeſſions before me, and it is not without a kind of dread, that I reflect on the vaſt extent of territory which Penſylvania contains. A ſingle man of ability, boldneſs and an enterprizing diſpoſition, who has nothing to loſe, but much to hope from public diſturbances, is ſufficient to effect, or at leaſt, to pave the way to a revolution. But not to mention thoſe adventurers, who from their private influence will create themſelves tribunes of the people; who can be certain that no wealthy merchant, by affecting popular politics, ſhall take advantage of thoſe diſcontents, hatreds and jealou-

ſies, which are continually ſpringing up in a Democracy, where property is ſo unequally diſtributed, to kindle the flames of civil diſcord, to make trial of his power, and to eſtabliſh his tyranny?

I ſhall perhaps be told that I am raiſing chimeras for no other purpoſe, than to have the pleaſure of combating them: but let me intreat you, Sir, once more to peruſe the hiſtory of Florence; and I am much miſtaken if you will not have reaſon to fear leſt Penſylvania ſhould alſo give birth to its Medici, who from their bank, or their counting houſe, may aſcend a throne. What is there, indeed, that may not be attained by ambition, genius, wealth, and popular favour? A ſingle inſtance of this kind would be ſufficient to break every tie of your confederacy. I am ſorry to dwell ſo long on theſe diſagreable objects; but if policy, acquainted with the power of the paſſions, and the caprice of fortune, wiſhes to avoid ſelf-deceit, it muſt be very open to fear, and yet more reſerved to hope.

The people, ſays the Penſylvanian Declaration of rights, *have a right to aſſemble together, to conſult for their common good, to inſtruct their repreſentatives, and to apply to the legiſlature for redreſs of grievances, by addreſs, petition, or remonſtrance.*

I muſt ackuowledge, Sir, that I cannot eaſily

comprehend the intention of this law. Nothing can be more juſt or reaſonable, than that the people ſhould have the right of diſcuſſing their intereſts, and giving inſtructions to their repreſentatives, when aſſembled for their election; nothing is at ſuch a time ſeditious. But have the people a right to aſſemble as often as they pleaſe, unreſtrained by any rule, by any civil authority, and without being under the eye of the Magiſtrate? If ſuch be the ſpirit of the law, you muſt allow that it is ſo very popular, as to be truly anarchical. The laws can never inculcate too much reſpect to the legiſlative power; but this expoſes it to the humours of a tumultuous aſſembly, that may be called together by any turbulent diſcontented perſon, who may have eloquence ſufficient to ſeduce the minds of the people. Theſe addreſſes, theſe petitions, theſe remonſtrances may be uſeful, and even neceſſary in England, where Parliaments are ſeptennial, and ſometimes betray the intereſts of the nation; while the King and his miniſtry have an influence too prevalent, which it is prudent to diſtruſt, and wiſe to intimidate. But in Penſylvania they muſt be entirely uſeleſs; becauſe the legiſlative aſſembly is changed every year, as well as the Magiſtrates intruſted with the executive power. If I miſtake not, the laws in England ought to preſerve alive in the people an attention to their intereſts, becauſe their liberty has powerful enemies; whereas in Penſylvania, on the contrary, they ought to teach the people to ſubmit with patience, and above all, never to

act, except under the direction of a magistrate, because anarchy cannot but be highly detrimental to them.

I should be less free in disclosing my sentiments, were you, Sir, less a lover of truth, or were it possible that my errors could mislead you. I doubt much whether you approve of the constitution of Pensylvania, when, instead of rendering the legislature as respectable, as extensive, and as compleat as it ought to be, it is deprived of the power of making any addition, or alteration, in the original constitution. This I must confess is a strange law. Could the legislators, assembled at Philadelphia to lay the foundation of an infant republic, possibly be ignorant, that nothing can limit the legislative power? Did that assembly consider itself as infallible? Will not new circumstances, new connections, new manners, new exigencies require either the enacting of new, or some modification of old laws? What power superior, or even equal to the legislative assembly, did the first legislators imagine they possessed, that they should confine this to the punctual observance of their orders? It is always wrong to enact a law, that may be violated with impunity. It ought, in my opinion, to be an axiom universally acknowledged, that the legislative power should be unlimited, if we wish not to destroy, or to render its operations ineffectual. Of what use then will be the clause, of which I complain? It will tend to diminish that profound respect which every citi-

zen ought to entertain for the legiſlative body; to give occaſion to debates and diſputes concerning the nature of new regulations; to authorize lawyers, who are all naturally ſophiſts, to interpret laws as they pleaſe, to prove that the new are null and void, becauſe they are not exactly conformable to the old,

Another ſcruple, for ſuch is the only name I give to my obſervations. In a republic, in which children behold, in their parents, examples of democratic ſimplicity of manners, I ſhould not object to a regulation, that gave to every young man of twenty one years of age, born in the ſtate, and who had almoſt conſtantly lived amidſt his family, the privilege of a vote in the election of repreſentatives for his city or county. At this age virtue is beloved with the boldeſt ardour, and no extraordinary underſtanding is requiſite to know which are the citizens of a diſtrict that enjoy the faireſt reputation. But it is, I think, too liberal to grant this privilege to every foreign adventurer, who ſhall, during a year, have paid taxes to the ſtate. It will neceſſarily reſult from this arrangement, that a number of young people, who have not the right of citizens in the other United States, will reſort to Penſylvania. Theſe will not import that ſimplicity of manners, which a democracy demands. They will ſell themſelves to the ſeveral parties, that may divide the cities and counties, and nothing really advantageous can be expected from ſuch birds of paſſage.

The laws appoint that ſons of freeholders of the age of twenty one years ſhall be entitled to vote in the election of repreſentatives, although they have not paid taxes. Of this I might approve; but ſuffer me to aſk, how this Ariſtocratical diſtinction, can coaleſce, if I may ſo expreſs myſelf, with the pure Democratical principles of the Penſylvanians. That vanity, which lurks at the bottom of the human heart, is the moſt ſubtile and active of all the paſſions. I would wager, that theſe freeholders will look upon their privilege as a kind of dignity, that ſeperates, and that ought to ſeparate them, from thoſe citizens, who poſſeſs no Eſtates. After having deſpiſed, they will refuſe to intermarry with them. Hence two orders of families; for as ſoon as ſome enjoy a particular prerogative, they will conclude that they ought to conſtitute a ſeparate rank. Hence I foreſee the riſe of an hereditary nobility, which the American laws proſcribe. I foreſee perpetual conteſts, between that Ariſtocracy, which the Paſſions will eſtabliſh, and that Democracy, which the laws will protect; and to prevent this from being diſadvantageous, and even ruinous to the republic, the citizens muſt poſſeſs the virtues of the beſt ages of Rome; that is, there muſt be ſomething which, in their eſteem, is more precious than wealth.

If any city or cities, county or counties ſhall neglect or refuſe to elect and ſend repreſentatives to the general aſſembly, two thirds of the members from the city or counties that do elect and ſend repreſentatives,

provided they may be a majority of the cities and counties of the whole ſtate, when met ſhall have all the powers of the general aſſembly, as fully and amply as if the whole were preſent.

This is, I muſt confeſs, Sir, a moſt extraordinary law in the code of a people aſſembled to form their conſtitution. I ſhould be glad to aſk the legiſlators what reaſon they could have to foreſee, or even to ſuſpect, that any city or county could be capable of ſuch neglect, or of a diſaffection ſo criminal. If ſuch a law could be deemed neceſſary, the minds of the citizens muſt already be tainted with ſome prejudice, error, or vice, which ſeparates their intereſts from thoſe of the republic, and paves the way for a fatal ſchiſm. In this caſe, a remedy ought to be immediately applied, and meaſures taken to prevent the public authority from being degraded. For the cities or counties, that will refuſe to ſend their repreſentatives to the general legiſlative aſſembly, will doubtleſs alſo pretend that they are under no obligation to obey laws, in making which they have no ſhare. This is a crime of the deepeſt dye, which ſuppoſes a monſtrous indifference to their Country, and in a Democracy, indicates the total diſſolution of the republic.

It is very right that the doors of the legiſlative aſſembly ſhould be open for the admiſſion of all; it will form an excellent ſchool for the inſtruction of citizens. It is alſo right to print a weekly

journal of its votes and, proceedings: a Democracy is inimical to myſtery, and requires information; but it is perhaps dangerous to order that *all bills of public nature ſhall be printed for the conſideration of the people.* This is, perhaps, the moſt certain method to render every thing problematical. It is well known that the populace would ſtill be ignorant, weak, and liable to prejudice, though it rivaled even the people of ancient Athens, in underſtanding and ingenuity. Ought not the legiſlators to have been contented with ordering that "the reaſons and motives for making ſuch laws ſhall be fully and clearly expreſſed in the preambles?" This precaution would be ſufficient to prevent the repreſentatives from acting raſhly, and would guard the people againſt the ſophiſms of diſcontented and diſaffected citizens.

Let us now ſurvey the executive power, without which it is uſeleſs to make laws. This the Pennſylvanians have intruſted to a council compoſed of twelve magiſtrates, who are to be nominated by the ſame electors that chuſe the repreſentatives of the city of Philadelphia, and of the eleven counties which conſtitute this republic. This council will have at its head a preſident and vice preſident, both to be choſen *annually, by the joint ballot, of the general aſſembly and council, of the members of the council.*

I apprehend, Sir, that I judge rightly, when I take the liberty to cenſure your not permitting the

executive council to be chosen by the general assembly. Why should you entrust to electors of twenty one years of age, to a multitude always ignorant and naturally inclined to prefer indulgent magistrates, the care of chusing men, destined to watch over the observance of the laws, to manage the most important interests, the most delicate concerns of the republic? Can any be deemed more capable of making such a choice than the representatives, who are so greatly interested in the faithful preservation and punctual observance of the laws? I should also think, that this would be the most advantageous method of establishing, between the legislative and executive powers, which in a free government are naturally jealous of each other, and in a Democracy almost always at enmity, that concord and harmony which constitutes the happiness of the state. It appears to me, that, without acting inconsistently with their principles, the Pensylvanians might grant to the general assembly the right of electing, from among the representatives, the members of the executive council. Hence many advantages would result. The county, whose representative were chosen, would be pleased with this distinction; for men never slight any thing that can interest their self-love A kind of emulation would arise among the counties: they would be careful to send to the general assembly only such citizens as were worthy to aspire to a seat in the council The body, with which the laws are deposited, would have been composed of the most eminent men; and by this common

intereſt of honour and emulation, the too raſh and intriguing ſpirit of the Democracy would have been at leaſt a little moderated.

Nor is this all; I might obſerve to you, Sir, that only twelve counſellors will ſcarcely be ſufficient for all the buſineſs of the adminiſtration. I might further aſk why, in a conſtitution where, under pretence of its great freedom, people take no more pains to think and reflect juſtly than under the moſt deſpotic government, the legiſlators aſſembled at Philadelphia, preſcribed no rule, no police, no regulations, reſpecting the method of tranſacting buſineſs, either in the general aſſembly, or in the executive council. Philoſophers preſcribe to their diſciples the path they muſt purſue in the ſearch, and for the diſcovery of truth. Ought not legiſlators to be equally exact in eſtabliſhing the forms that lead to juſtice and the public welfare, as their buſineſs lies with men, who are ſometimes not very intelligent, and as the paſſions may miſlead even the beſt underſtanding?

After having propoſed ſo many doubts and ſcruples, I muſt expreſs the ſatisfaction with which I obſerve that Penſylvania has not, like moſt of the other United States, entruſted the executive power to a council that is totally changed every year. The council being compoſed of triennial magiſtrates will annually loſe the four eldeſt, who will be replaced by four new elections. The law obſerves that *by this mode of election and continual rota-*

tion, more men will be trained to public buſineſs, there will in every ſubſequent year be found in the council a number of perſons acquainted with the proceedings of the foregoing years, whereby the buſineſs will be more conſiſtently conducted. I allow that Penſylvania will have fewer inconſiſtencies, and adhere more cloſely to its conſtitutional principles than thoſe republics that have eſtabliſhed a council conſiſting only of annual members; but this is not ſufficient to engage my entire approbation. Have not the magiſtrates of an infant republic who are endeavouring to form its character, need of a longer authority in order to eſtabliſh permanent maxims and principles, and to give it the direction, if I may ſo expreſs myſelf, the moſt favourable to its welfare.

Can any one, without ſome degree of apprehenſion, conſider the vaſt variety of individuals of whom every community conſiſts, all endued with active, and yet each with different paſſions. Of theſe, however, ſome are incapable of reflection, and this claſs conſiſts of by far the greateſt number: others are able only to combine the ideas that are propoſed to them; and amidſt theſe, a few men of genius diſtinguiſh themſelves, who will not always, however, be of the ſame ſentiments. What then muſt become of a republic, if it has not in itſelf a body permanently eſtabliſhed, that ſhall religiouſly preſerve the depoſit of the national laws, policy, and character, as the Veſtals preſerved the ſacred fire of Veſta? Let us, Sir, analyze the his-

tories of Lacedemon and Rome, and you will plainly perceive that these two republics were indebted for all their virtue, their policy, their wisdom, their fortitude, and in short for that character which we so much admire, to no other cause than the establishment of that perpetual senate which was the soul of the State. By this the Aristocracy and Democracy were held in exact equilibrium, and hence resulted a mixed form of government, which preserved the advantages of each mode, without having the defects of either. I am happy to see, in the constitution of New York, that this republic has established a council consisting of twenty four members, of whom the four eldest vacate their seats every year, and are replaced by a new election of four candidates, who will easily and naturally imbibe the spirit of the body of which they become members, and will transmit it on their resignation to their successors.

Notwithstanding the friendly severity with which I have examined the laws of Pensylvania, I entertain the deepest veneration for the legislators who enacted them. The most profound knowledge of the rights of nature, and of the human heart is discernable in a thousand instances; but I once more assert that when you were at last compelled to throw off the authority of Britain, and, at the same time, to hasten the establishment of a constitution, in order to prevent anarchy, and to disconcert the criminal designs of the party that England had yet among you, you had not leasure suf-

ſufficient to arrange every department of government in the moſt perfect manner. The legiſlators may now reſume their work; the love of their country invites them to it, and I doubt not but they will give to Penſylvania, the government beſt ſuited to its preſent ſituation, and moſt provident for future contingencies.

The plan of government eſtabliſhed in Maſſachuſets is formed after the model of that of England; but is much ſuperior to its original. That, which in England is called a Parliament, has with you the appellation of a general court. It conſiſts of a ſenate that anſwers to the upper houſe in England, and of a houſe of repreſentatives which has rights ſimilar to thoſe of the houſe of commons in London. Each of theſe two houſes has a right of framing bills ſeparately; theſe muſt be communicated to the other houſe, and thoſe which are adopted by a majority of votes in both houſes are preſented to the governor, who approves of them by affixing his ſignature, or elſe returns them, and explains the reaſons which induce him to with hold his aſſent. However if the two houſes perſiſt in their reſolution, and the bills after a ſecond examination are approved not only by a majority of votes, but by two thirds of the members preſent, ſuch bills, even though rejected by the governor, ſhall have the force of laws. The ſame is the caſe if the governor delays declaring his opinion for more than five days, his

hence being deemed an assent to all intents and purposes.

This form of administration is in my opinion much better than that of England. An annual governor, who, as he is soon to return to the degree of a private citizen can have no interest in augmenting his prerogative; who is assisted by counsellors assigned him, whom he has not chosen, and cannot remove at pleasure; in short, a magistrate who from his circumstances possesses neither the means of purchasing the votes of the general court, nor of corrupting its members by tempting their ambition with titles and honours, is not the enemy of public liberty, like a King of England, whose passions may point out interests opposite to those of the nation; who incessantly and secretly undermines the rights both of the peers and commons; and who, gradually advancing, by means of corruption, towards arbitrary power, enervates their minds, enfeebles the sentiments of liberty, and will at length find a crisis, when by acting with vigour and severity, he may, like Henry VIII, astonish and confound the English, and teach them to bow beneath the weight of his sceptre.

I must also observe that the *Veto*, which is the prerogative of the Kings of England, obstructs, retards, and confines the legislative power, which is hence prevented from enacting laws necessary to its

own security. A parliament compelled to negociate, cannot act with becoming simplicity, dignity, and firmness. It is reduced to a defensive conduct, that must at length terminate in its ruin, but which it cannot abandon without exposing the nation to the greatest disorders, and referring its fate to the uncertain decision of arms. The Governor of Massachusets on the contrary only remonstrates to the legislative power; this is a wheel in the political machine that retards its motion only to render it more salutary, by counteracting all precipitation, surprize and infatuation. The mutual check exercised by the two branches of the general court, in having the power to reject each other's bills, is, if I am not much mistaken, favorable to the stability of the government. It prevents a taste for innovation, it inspires the citizens with a stronger attachment and a greater respect for the laws; and the revisal which is allowed to the Governor of Massachusets, is well calculated to add security to these advantages.

Perhaps, Sir, you may have the mortification to see Pensylvania a prey to all the humours of a Democracy, while the government of Massachusets will be confirmed in its principles. Upon shaking off the yoke of a severe master, who sacrificed you to his falsely apprehended interests, you have had the prudence, in constituting a new republic, to present to the minds of your people such laws only as are naturally connected with the ideas to which they were accustomed, and which, instead

of ſhocking their former habits, ſerve only to render liberty more agreable and tranquil. Your fellow citizens have not experienced the ſudden tranſition which the Penſylvanians have made in the revolution of their government. Upon a democratical baſis, which without exciting hopes that are too preſumptuous, ſecures liberty to the people, you have eſtabliſhed an ariſtocracy, which from its very nature is leſs turbulent and more conſiſtent; and which the manners of America, but too ſimilar to thoſe of Europe, now render neceſſary. While Penſylvania hurried far away from the ſentiments, laws, and habits, to which ſhe had been accuſtomed, may perhaps become intoxicated with a democratical liberty of which ſhe knows not the proper bounds, and which ſhe will probably confound with licentiouſneſs, the Republic of Maſſachuſets more circumſpect in its operations, becauſe it has intereſts leſs oppoſite to reconcile, will eſtabliſh its government and character.

I doubt not but thoſe, whoſe favourite topic is the dignity of man, and the common rights which all derive from nature, will prefer the government of Penſylvania to that of Maſſachuſets. But I am equally certain that they will alter their opinion, as ſoon as they leave their metaphyſical ſpeculations, and conſider how limited in moſt perſons is the human underſtanding. It ſeems indeed as if nature herſelf, by the unequal manner in which ſhe diſtributes her favours, provided for that ſub-

ordination without which ſociety cannot exiſt. We ought therefore to conform to her laws in the eſtabliſhment of ours, and not aſſign the power of government to thoſe whom ſhe has deſtined to be governed. Let any one inveſtigate the human heart, and there explore the ſeeds of all thoſe paſſions that are continually endeavouring to expand themſelves; let him ſtudy the force of our habits which obſcure the light of reaſon, and at laſt render dear to us thoſe abuſes which we ſhould otherwiſe have thought intolerable; and he will be convinced that the wiſeſt policy is that which is moſt pliant to exigencies and circumſtances, in order to derive the greateſt poſſible advantage from them. I cannot too frequently repeat it, that, in proportion as manners relax, laws and power ought to be reduced to a leſs compaſs, and government inſtruſted to fewer hands. And is it not indeed evident, from all the revolutions of nations, that a corrupt Democracy inevitably leads to an Ariſtocracy, and that this government, though at firſt oligarchical, terminates in Monarchy. Thus are we led on by the natural progreſs of our paſſions when left to themſelves: in reſtraining their career, and directing them to uſeful, that is to worthy ends, conſiſts the whole art of legiſlation.

You, Sir, who know what progreſs the vices of Europe have made in your States, can beſt determine what kind of government is the fitteſt for

them. I muſt acknowledge that my intelligence on this head is very doubtful, I have been informed that the Penſylvanians apply much more to agriculture than to commerce, and that thoſe enormous and diſproportionate fortunes, which are but too frequently found in the republic of Maſſachuſets are unknown among them. This may be true; but is this ſufficient to vindicate their Democracy? I know that agriculture produces greater ſimplicity and purity of manners than commerce; but I obſerve that the port of Philadelphia affords a favourable avenue to trade and induſtry. If the Penſylvanians take a delight in riches produced from their lands, why ſhould they neglect increaſing their wealth by following the example of the Boſtonians. I aſk what meaſures the laws have taken to ſtop them on the brink of the precipice? I aſk farther, if, in a government entirely popular, any ſuch meaſures can be taken? When a people induſtriouſly cultivate the earth, in order to enrich themſelves, and muſt ſoon have ſhops and mechanics to work and faſhion rough materials to aſſiſt and expedite the progreſs even of agriculture; it would be a miracle of the moſt extraordinary kind, if they were able to reſiſt the farther impulſe of a ſentiment, by which they cannot but be actuated. Here laws and the government muſt interpoſe their aſſiſtance; and in this caſe, I once more aſk, what are the reſources of a Democracy? I dwell long on this article, Sir, becauſe I moſt cordially wiſh that Penſylvania may either form or adopt political

principles more proportioned to its exigencies, to its preſent circumſtances, and to the evils with which it is threatened.

I return to the conſtitution of Maſſachuſets and I obſerve, Sir, with pleaſure that the government keeps at a proper diſtance all thoſe who have no property but their labour, and who could only diſturb the political adminiſtration, were any authority allowed to them. It was perhaps for this reaſon that the ancient republics, though ſo well acquainted with the duties of humanity among fellow citizens violated its rights by the permiſſion of ſlaves, who had no political exiſtence, and were ſubject only to the will of their maſters. Your laws with greater wiſdom take the poor under their protection, who may indulge the hope of riſing, by induſtry and frugality, to the honour of ſharing in the election of ſenators, of repreſentatives, and even of the Governor. This hope will ſweeten to them their condition; they will love the State for the ſake of the advantages they expect from it; and you will have no cauſe to fear ſuch inſurrections of ſlaves as ancient hiſtory relates. By rendering the poſſeſſion of leſs property neceſſary to qualify for repreſentative, than for ſenator, you have, by a prudent equilibrium, prevented the more wealthy citizens from engroſſing among themſelves the whole authority. This is, in my opinion, the moſt proper arrangement that could be made to moderate the Ariſtocracy, by mixing ſomething of democracy with it.

It is very proper that the general court, consisting of senators and representatives should have the care of nominating the nine counsellors, to whom, together with the Governor and Lieutenant Governor, is intrusted the executive power, After what I have already said of the council of Pensylvania, you will not be surprized, Sir, at my censuring that of Massachusets, consisting of fewer persons, but these entirely changed every Year. Let us not deceive ourselves; an Aristocracy, without a council in which the manners, the spirit, the character, and the principles of the State are preserved and perpetuated, is really a political monster. To what fluctuation must it not be exposed? The Republic successively adopting the various opinions and fancies of its several magistrates, can inspire no confidence either in its own citizens, or in strangers. This defect alone is sufficient to interrupt all the harmony of your government.

I confess, Sir, that I feel a particular partiality for the republic of Georgia. This is a new colony; it occupies a large extent of territory, and I am told that the number of its inhabitants amounts not to forty thousand. How favourable are these circumstances for the establishment of a republic among a people whose sole pursuit, as yet, is to acquire their wealth by clearing the lands around their habitations! All their ideas must naturally incline towards agriculture, which alone affords abundance to mankind, preserves the simplicity of their manners, and disposes their souls for grand objects.

And indeed we have ſeen that this Colony, though in its infancy, and more expoſed than any of the reſt to the calamities of war, has not been wanting to itſelf, but has afforded an example of courage and prudence.

Were I ſo happy as to be a citizen of Georgia I think that in the convention for drawing up its conſtitution, I ſhould have exerted every effort to eſtabliſh more firmly that ſpirit of moderation and ſimplicity, the value of which, my fellow citizens, notwithſtanding their manners, ſeem not ſufficiently to comprehend. "Friends, Brethren", would I have ſaid, "let us return thanks to Providence for "having directed America to the happy revolution "that ſecures its independence, previous to that "period, when from our increaſed populouſneſs "and wealth, it might perhaps be impoſſible for "us to ſecure our liberties on a permanent baſis. "We are not now ſo numerous as to prevent our "conferring, and our manners, yet uncorrupted "by artificial wants, ſtill permit us to eſtabliſh in "our infant republic the true principles of ſociety, "and to erect barriers that ſhall exclude thoſe vi-"ces, which either permit not men to take the "path that leads to happineſs, or make them ſoon "abandon it. The only true wealth of man is the "produce of the earth; would we be really happy, "let us learn to be contented with the fruit which "we reap from our labour; this will always ſuf-"fice, and will never fail us. Let us take proper "precautions to prevent any circumſtance from

" diminiſhing our ſenſe of this valuable truth, of
" which we are now fully convinced, but of which
" the contagious example of our neighbours may
" ſoon render us forgetful.

" I obſerve with concern", would I have added,
" that you have ordered *an elegant houſe* to be engra-
" ved on the great ſeal of the Republic. I could rather
" have wiſhed that it had preſented only a plain
" and ſimple habitation, which might remind po-
" ſterity, of thoſe manners void of luxury and
" ſplendour, which prevailed at the foundation of
" this State, and which they ought to imitate.
" With pleaſure ſhall I view on the impreſſion of
" this ſeal, *fields of corn, and meadows covered with*
" *ſheep and cattle, a river running through the ſame*,
" but why, to theſe images, which paint
" your character, will you add *a ſhip under full*
" *ſail*? Let us remember that to us this will be
" Pandora's box: let us dread becoming familiar
" with theſe ideas of a falſe proſperity, which we
" ſhall too eaſily impreſs on the yet uninformed
" minds of our children. Would to God, no ſhip
" might ever arrive, which, by importing pleaſures
" and wants hitherto unknown, would render us
" diſguſted with a ſimplicity that is ſufficient for
" our happineſs! Would to God we were retired far
" into the country, and had nothing to fear on any
" ſide except the neighbouring ſavages, leſs dangerous
" than the ſeas that bathe our coaſt! Why ſhould we
" be ſo partial to the ports of Savannah and Sunbu-
" ry, as to allow the one to ſend four repreſenta-

"tives to the houſe of aſſembly, and the other, two "members to repreſent its trade. Let us avoid follow- "ing the example of Europe, wretched from the "attempt to found her ſtrength, her power, and "her happineſs upon a wealth that muſt weaken and "impoveriſh her. From the moment that we look "upon commerce as the object and end of a flouriſhing "State, we muſt renounce all the principles of ſound "policy, or if we have eſtabliſhed them, we muſt "expect to ſee them ſpeedily overturned. If we "would encourage the virtues that are neceſſary to "us, let us confer honours, rewards, diſtinctions on "thoſe cultivators who are moſt able and induſtrious, "and who; that they may learn to defend their "poſſeſſions practice the honorable exerciſes of the "militia, as a relaxation from the labours of the "plough. Let us not think of inviting a great mul- "titude to reſide among us; a handful of worthy citi- "zens of ſpirit and virtue, will be of infinitely "greater value."

I am loth to conclude, Sir, but ſhall now only add ſome obſervations on the conſtitution of Georgia. This republic ſeems to preſerve a medium between the government of Penſylvania, and that of Maſſachuſets To have paid taxes to the ſtate, is not ſufficient to qualify a perſon for the honour of repreſentative, but the property required is too moderate not to be conſiſtent with the ſpirit of a Democracy. On the other hand, the legiſlators ſteer clear of an Ariſtocracy by not eſtabliſhing, like thoſe of Maſſachuſets, two hou-

ſes to exerciſe the legiſlative power. It is evident that equality is dear to them, from their refuſing to regard as a citizen any inhabitant who ſhall not have renounced, in the moſt expreſs manner, thoſe particular titles which a paltry vanity has invented, and which in Europe ſeem to indicate a ſpecies of nobility. I ſhall eagerly attend to every information that relates to Georgia. If I hear that corruption is there oppoſed, not by vague laws, but by eſtabliſhments that favour and protect morals, I ſhall prognoſticate well of its fate; either the defects which may be cenſured in its preſent laws, will diſappear; or theſe defects will have no pernicious influence.

The laws made by the houſe of aſſembly are to be ſubmitted to the reviſal of the Governor and the executive council. Their remonſtrances are to be ſent to the legiſlative power by a committee, who ſhall propoſe the amendments requeſted by the governor, and explain the reaſons that render them neceſſary. During this conferrence of the two powers, the committee are to be ſeated and covered, and the whole houſe, except the ſpeaker, uncovered. This is the cuſtom of the world reverſed; for it is unuſual for the agents, clerks or ſtewards of a republic, to appear, with marks of preeminence and ſuperiority, before their ſupreme maſters. I am ſatisfied that, among a people who have virtue ſufficient to love laws and liberty with equal affection, the circumſtance of wearing a hat is of no importance; From this trifling ceremonial,

not-

nothing will be inferred, except a deſign to remind the repreſentatives of the profound reſpect due to the miniſters of the laws, while they are ſuch; though when diſolved, they muſt return to the degree of private citizens. But with a corrupted people, among whom vanity and ambition labour only to ſap the foundations of equality, this trifle would be ſufficient to ruin the whole. The paſſions will embrace the ſlighteſt pretences to make encroachments, which would gradually be conſidered as rights, and no meaſures neglected to maintain them.

PASSY 6th *of Auguſt* 1783.

LETTER III.

Observations on ſome important objects relative to the legiſlation of the United States of America.

It would be needleſs, Sir, to enter upon a particular examination of the laws by which the other United States of America have eſtabliſhed in themſelves the public authority: it would neceſſarily lead me into uſeleſs and tedious repetitions, and what I had the honour of obſerving to you in my laſt letter, concerning the three republics that I had more particularly ſtudied, may, in my opinion, be applied to all the reſt. I will add, that if the citizens of Maſſachuſets, of Penſylvania, and of Georgia, in a new reviſal of their conſtitutions, ſhould endeavour more accurately to proportion their laws to the exigencies of their actual circumſtances; if they were as provident for futurity as for the preſent moment; if their regulations eſtabliſhed a more juſt equilibrium between the legiſlative and executive powers; if the ambition of the people were leſs excited by the privileges and hopes which a democracy confers, and were never hence driven to make violent efforts in order to defend their dignity; if the wealthy were ſufficiently deterred from daring to offend their inferiors, theſe republics might ſerve as mo-

dels for the reſt, who would in their turn become more circumſpect in their conduct, and reap advantage from the examples held up to their view. If however any diſturbances ſhould take place among them, the former would offer themſelves as mediators; their reputation for wiſdom would give weight to their negociation, and thus good principles would be gradually eſtabliſhed throughout the whole confederacy.

The three republics I have thus particularly mentioned are the only ones that have felt, or at leaſt expreſſed the value of morals and of a good education. The legiſlators of Maſſachuſets, are not only careful to cultivate the faculties of the mind; but are alſo anxious deeply to inculcate in the hearts of youth, *principles of humanity and general benevolence, publicand private charity, induſtry and frugality, honeſty and punctuality in their dealings, ſincerity, good humour, and all ſocial affections and generous ſentiments.* All this I can only conſider as an empty declamation, unleſs by real eſtabliſhments the republic ſpeedily endeavours to reduce this beautiful theory to practice; for all the virtues, with which children can be inſpired by their earlieſt education, will be but of ſhort duration, if upon their entrance into the world, they learn a contrary leſſon from the manners of the citizens. I am therefore concerned to ſee that Magiſtrates, who could expreſs themſelves thus wiſely, have in no place eſtabliſhed any permanent regulations

in favour of good morals. They are inclined, on the contrary, to favour the progreſs of commerce, and they open a door for avarice, by ordering that the governor ſhould have an honorable ſtated ſalary, amply ſufficient for the demands of his ſtation.

Inſtead of this, I wiſh that in proportion as offices became important, their appointments ſhould be made leſs conſiderable, or rather that they ſhould have none at all. The Americans are no longer ſubjects of the King of England, they are free men, and though they ſhould deem my opinion as ſavage and unreaſonable as it will be thought in Europe, I cannot avoid deriving from this circumſtance an ill opinion of their future fate. Money may make great lords in a monarchy, but it debaſes magiſtrates in a republic; on theſe, it is neither rapacity, luxury, nor ſplendour, that can confer honour. We can have but little love for our country, if we demand a ſalary for ſerving it. And he, who loves it thus little, can be but of low eſtimation as a private citizen; by what miracle then can he become an excellent magiſtrate? Why cannot a governor, who muſt in his private capacity be poſſeſſed of a competent fortune, have liberality ſufficient to devote a year or two of his life to the exigencies of his republic? The preſent is the moſt critical period for America: if its manners are already ſuch that it muſt purchaſe its magiſtrates, this deteſtable principle will become the general ſpirit of the citizens and de-

grade them all. Let the republic of Maſſachuſets have the reſolution to abrogate the law of which I complain; let the chief magiſtrate once diſplay a conduct thus diſintereſted; and all the citizens who aſpire to the honour of ſucceeding him, will ſhew ſimilar liberality, till at length this virtue will become common and familiar. But permit me to add, that in order to preſerve it, the citizens muſt be taught not to be aſhamed of their ſimplicity. Sumptuary laws, and regulations favourable to purity of manners muſt prevent the progreſs of luxury, and diminiſh the artificial wants of effeminacy and vanity, paſſions that know no limits, that in time ruin even monarchies, but are immediate deſtruction to republics. It is by ſuch public and general diſcipline that the education of your children will be truly compleated.

North Carolina and Georgia mention the utility of a good education, but ſay not a word of morals; are then theſe two States unacquainted with their influence?

"Quid leges ſine moribus
"Vanæ proficiunt"?

I am pleaſed to ſee that the legiſlators of Penſylvania have attended to this object; but it is not enough to praiſe virtue, ſome method muſt be taken to render it beloved. This is a matter of the utmoſt importance, becauſe the more Democratical any government is, the greater muſt be the influence of manners. The people ſwayed more

by their habits than by their knowledge, which is always weak, and interwoven with a number of prejudices, are carried away by the impetuosity of their passions and opinions, and are unacquainted with those various tempers, which the principal citizens of an Aristocracy are accustomed to humour for their own interests. But Pensylvania will never effectually provide for the morals of the public, unless care is taken to reform, in the principal citizens, the vices to which their circumstances render them most liable. In order to succeed in this, the authority of the council of censors ought not to be confined to an examination whether the constitution has been preserved entire, and without any violation.

This council, which is to be assembled every seventh Year, appears on the first view favorable to the public tranquility. It was perhaps supposed that such an establishment might render those citizens more patient who might have just reason for complaint, and that the hope of seeing the injuries done them speedily redressed would prevent them from forming cabals, and intrigues, or from taking violent measures. But of what avail will be the wisdom, of what avail the power of these censors, from whom Pensylvania expects the perpetuity of its laws and constitution, if they are not seconded by the general manners of the republic? They will probably experience the fate of the Roman censors, who, after having rendered important service to their country, at length became useless to it, when that

corruption, which involved the laws in contempt, obliged them to silence. In order to enable the Pensylvanian council of censors fully to discharge the duties intrusted to it, besides the powers it already possesses, it should have the care of anticipating abuses, of attending to the symptoms that indicate any new vice, and of encouraging any beneficial usage, any laudable custom, or any virtuous principle, that may appear to be weakened and declining. I confess that notwithstanding all these precautions, I should not be entirely satisfied. The least reflection on the nature, the course, and progress of the passions will shew that they ought to be subjected to a vigilant, attentive and perpetual censure. If Pensylvania begins not by protecting and encouraging morals, and by averting every thing that may be prejudicial to them, I fear that a council, assembled every seventh Year to repair the injuries done to the constitution, and to establish its original principles, would be of all councils the most useless: it would itself be carried away by the torrent of public manners.

Though I doubt not, Sir, your being well persuaded that without the influence of manners all laws are superfluous, yet suffer me to dwell a little upon this article. I would intreat the United States to consider, that to them the influence of good morals, and of establishments which may enhance the practice of the most useful virtues in the esteem and affections of the citizens, is more peculiarly necessary; as you can derive no advantage from

religion, which, however, the policy of all nations has ever considered as the most powerful engine to move the heart, and direct the mind of man.

Your ancestors first laid the foundation of your colonies at a time when England, like the rest of Europe, was engaged in theological controversies, and torn with religious dissentions. They fled a country where fanaticism prevailed, and filled with a just abhorrence of that absurd tyranny which is exercised over the consciences of men; they regarded as the height of happiness, the liberty of serving and honouring the Deity in the manner that each thinks most agreable to his reason. This turn of thought became the principle of both the doctrine and practice of your ancestors; and their children imbibed it as it were, with their mothers milk. It appears from your constitutions that this unlimited liberty of conscience still constitutes the general and public sentiment of your republics. But circumstances are no longer the same: you are no longer subject to the English who provided for your security: you are now obliged to be your own governors, and in granting the same rights to all the different sects, that are now accustomed and familiarized to each other, it might perhaps be necessary a little to restrain your extreme toleration, in order to prevent the abuses that may result from it.

As Religion exercises the most absolute power

over the human mind, it would certainly be of the utmoſt utility that the citizens of a State, united in one form of worſhip, ſhould all obey the ſame religious, as they all obey the ſame civil laws; by which means religion would unite its power with that of government in order to render them happy. I well know, Sir, that the United States can no longer hope for this advantage. The Goſpel which is the general rule common to all thoſe ſects that exclude you from their communion, commands peace and the love of our neighbour: and the government that conciliates ſo many different religions, protects them all, in order to conform to the rules of Chriſtian charity. But ſuffer me to enquire whether your republics have adopted proper meaſures in order to prevent other religious innovations, with which you are yet unacquainted, but againſt which you ought to guard, from diſturbing your repoſe, and from repeating in America thoſe ſanguinary tragedies of which Europe was too long the ſcene.

You cannot poſſibly deſerve any blame for having obliged the Miniſters of religion to teach what they profeſs: you have informed them, as Jeſus Chriſt did, that their kingdom is not of this world. Would to God that the Emperors, Kings, and Princes, who have embraced Chriſtianity had not heaped riches, dignities, and temporal honours upon the clergy in exchange for the ſpiritual bleſſings they received from them: this was ſowing tares in the field of the houſeholder, and theſe tares have in

effect choaked the good ſeed; the ſpiritual has been enſlaved by the temporal.

The legiſlators of the American confederacy have effectually guarded againſt this evil. The clergy of the ſeveral religions tolerated among you enjoy only that protection which the laws owe to all for their ecurity; but they are not citizens, becauſe they have no ſhare in the public or civil adminiſtration of affairs. Beſides the mediocrity of their ſalaries cools all their paſſions. They are not tempted by great poſſeſſions as in Europe, firſt to confound their temporal intereſts with thoſe of religion, and at length to give the preference to the former. This is a very great advantage. But why humiliate in any manner thoſe whoſe office it is to teach morality? You ſeem to ſuſpect them, this is tempting them not to love your laws. It would be eaſy for you to teſtify the eſteem which is certainly due to many of your clergy. It would be ſufficient to ſuffer them to vote in your elections, and not to exclude them from all public offices, except under the pretence of not diverting their attention from the important duties of their function. In this manner has Europe got rid of eccleſiaſtics whoſe power was inconvenient, or who were too forgetful of the ſanctity of the clerical character.

But I proceed to an obſervation of yet greater importance. From this medly of ſo many different religions, do you not fear a general indifference to the public worſhip of each? Public worſhip is how-

ever neceſſary to prevent men from falling into Deiſm, which affords no ſecurity to civil government, except in the caſe of perſons ſuperior to the influence of ſenſe, and of themſelves capable to contemplate the wiſdom of God, and to diſcern the obligations of morality. Such Deiſts may be virtuous; but the external worſhip to which, from their infancy, they have been accuſtomed, gradually becomes indifferent to them; they neglect it, and their example entirely deſtroys all ſpirit of religion in the bulk of the citizens, who are incapable of remedying the deficiency, and of forming principles for themſelves. A ſpecies of groſs Atheiſm, which accelerates the ruin of morals, then becomes prevalent among the people. Attached to earth, they no longer raiſe their thoughts to heaven, and they forget the ſupreme governor of the univerſe.

Why do I read in the Penſylvanian Declaration of rights, that *no man who acknowledges the being of a God, can be juſtly deprived or abridged of any civil right as a citizen, on account of his religious ſentiments, or peculiar mode of worſhip.* Had you any reaſon to fear that by confining your toleration to Chriſtianity, it would not have ſupplied you with a ſufficient diverſity of ſects to ſatisfy every one? Will you, under pretence of more ſpeedily peopling your country, invite thither the ſtrangeſt perſuaſions? It would be improper for me to expatiate on a project of this kind. I will only ſay that the greateſt legiſlators have always been leſs deſirous of inviting into their republics a great number of men, than

of forming good citizens, and uniting them by a similarity of sentiments. Recollect, Sir, that the character of your confederacy is as yet only sketched, a war of seven Years has not given to your States a national Spirit. With these circumstances it would be highly disadvantageous to you, that a considerable number of strangers should intrude themselves who would introduce their several prejudices among you, and by these means retard the progress of public manners which ought to unite the citizens by the ties of mutual confidence.

To introduce new religions among you, is to cast into your lap the apple of discord, and to revive that spirit of disputation and controversy which time has so happily silenced. If these new religions gain proselytes, as there is every reason to apprehend from a consideration of the folly of the people, and their fondness for innovations the most whimsical and unaccountable, what should prevent them from exciting hatred, jealousy, and the most bitter animosities? At present indeed, the republic would take but little concern in them, for the United States will at first be employed solely in the care of their commerce and agriculture. But when a difference of rank is established among your families, which will but too soon take place; when your population is more abundant, when you are exposed to those dissentions, which disputes between the Aristocracy and Democracy will naturally occasion, what shall prevent avaricious, ambitious, hypocritical and subtle citizens from

from intereſting theſe infant ſects in the ſchemes of their ambition? What has already happened in Europe makes me dread what may happen in America. The queſtions diſcuſſed by Luther and Calvin would have diſturbed only the ſchools, if men of power, who really deſpiſed, had not pretended to reſpect them, in order to gain partiſans, and render themſelves ſufficiently powerful to diſturb the ſtate, and advance their private fortunes.

The legiſlators of South Carolina ſeem to have deviated more than the reſt from thoſe principles which ſound policy obſerves, when obliged to tolerate ſeveral religions. They have ordered that *whenever fifteen or more male perſons, not under twenty one years of age, profeſſing the chriſtian proteſtant religion, ſhall agree to unite themſelves into a ſociety, for the purpoſes of religious worſhip, they ſhall be, and be conſtituted a church, and be eſteemed and regarded in law, as of the eſtabliſhed religion of the ſtate.* The ſpirit of ſuch a law is not, as in the other united ſtates, to tolerate every religion in order to prevent fanaticiſm, which this on the contrary is calculated only to excite and ſtrengthen. Religion propoſes truths of a myſterious nature, the hopes and fears it inſpires, muſt powerfully influence all who are capable of reflection. It is therefore neceſſary to calm the minds of men, and to prevent controverſies. The laws of South Carolina have a contrary tendency. Every one knows how much men are attached to

their peculiar opinions; how pleasing it is to see them adopted by others, and to rule the understandings of followers. To be at the head of a sect appears a desirable object, and as Carolina suffers every hairbrained young fellow of twenty one years of age to aspire to this honour, by taking advantage of the warmth of his own imagination, and of the ignorance of fourteen thoughtless young men like himself, the consequence will be, that instead of having one rational religion, you will have nothing but enthusiasts and visionaries.

When a republic permits the exercise of various religions, which for the sake of peace, union, concord and charity, all enjoy the same advantages and prerogatives, I should deem it necessary, that the ministers of these several religions should all enjoy the same liberty of teaching their respective doctrines. But I could wish that each church, after having explained its doctrine and discipline in a catechism, should be restrained from making any alteration in it, under pretence of expressing its truths with greater perspicuity, or of arranging them in more regular order; no part of it should be allowed to be altered. By these means, in each sect disputes and quarrels would be prevented; the several churches would no longer keep an invidious eye upon each other, in order to watch whether their rights were violated by these innovations; different religions would interfere less with each other, and a habit of mutual intercourse, without contempt, without jealou-

ſy, and without animoſity, would daily acquire ſtrength.

The irregularities of the human mind and heart are ſo numerous; time may, and indeed muſt produce circumſtances ſo various and ſo unforeſeen, that too many precautions cannot be taken againſt that fanaticiſm, or againſt that indifference, which a multiplicity of religions ſeems calculated to introduce. Why then ſhould not government have its moral and political catechiſm, which children ſhould learn, at the ſame time that they are inſtructed in the particular doctrines of their parents, and in the forms of worſhip by which they are to honour the Deity. To compoſe a work of this kind would be not unworthy the wiſdom of the continental congreſs. This reſpectable body of magiſtrates, on whom depends the proſperity of the thirteen United States of America, would then declare, that, as the holy ſcriptures are variouſly underſtood and interpreted by different perſons, who have purſued truth with intentions equally pure, and with underſtandings equally good, it would be exceeding the limits of their authority to attempt deciding a point, which divine Providence does not determine in a poſitive and ſenſible manner. It is conformable to the demands both of juſtice, and of piety, that all the various religions of America, while they adore the depth of the divine judgments, ſhould mutually tolerate each other, becauſe Providence tolerates them all with equal indulgence. Let us not judge

our brethren, leſt we condemn ourſelves. Let the Americans, while they offer the moſt fervent prayers for the revelation and propagation of truth, adhere with fidelity to the mode of worſhip in which they were educated. If this ſhould be erroneous, let them be perſuaded that divine goodneſs will forgive the errors of thoſe, who ſincerely mean to obey the truth. We may eaſily be deceived reſpecting the relation of religion to God, becauſe it is involved in myſtery; but the relation of religion to ſociety is moſt evidently known. Who can doubt that the deſign of God was to unite all mankind by the ties of morality, and of thoſe virtues, upon which the happineſs of each citizen, and of ſociety depends?

I well know, Sir, what the religion prevalent in Europe could advance againſt a catechiſm of this kind: it is not as a theologian I am ſpeaking, and I only obſerve that it is a neceſſary conſequence of that toleration which you cannot avoid. All your ſeveral religions would thus be as tolerant to each other, as you could wiſh them to be. Children early imbibing this doctrine, would preſerve its principles through life: the citizens would be attached to their reſpective religion, becauſe they hope from it the ineſtimable bleſſings of another life; and they would not indulge a violent hatred againſt other religions, becauſe they all procure to their ſeveral followers the ſame rewards, and the ſame felicity.

But, in order to form and to fix the national character, I wish that the catechism of the continental congress should not stop here. Why may not this work be rendered a compleat treatise of morality, without soaring beyond the capacity of children, or of men, who, either from the dulness or levity of their faculties and minds, will resemble children during their whole life. It is easy to explain the nature of all our duties in a plain, short, and sensible manner, and hence, all may deduce a certain number of corollaries in proportion to the intellectual faculties with which nature has endued them. After having explained the duties of man as man, he should be considered as a citizen, and from this new relation, other virtues would arise, with the love of laws, of country and of liberty at their head. I would afterwards, by familiar examples and illustrations, demonstrate how much these three virtues have need of each other in order to preserve the whole of their dignity. They lead into error, and become debased in value, if not always united. I would avoid all metaphysical reasonings; my design would be to instruct the simple, to furnish those philosophers with principles, who attempt to form magistrates for the republic; to examine the power of our passions, their course, their progress, their connection, to trace our virtues and vices up to their source, to put us upon our guard against ourselves, by shewing how much we are inclined to suffer ourselves to be imposed upon by false appearances of happiness and of misery.

I have enlarged much, Sir, on this Catechiſm, of which however I offer only a ſlight ſketch; but I require it from the continental Congreſs, not merely becauſe I think that each of your republics will derive great advantage from it in the adminiſtration of it's particular government; but alſo becauſe it will be uſeful towards ſtrengthening their union, by giving to all nearly the ſame turn of ſentiment. Further to ſhew the neceſſity of ſuch a work, I will add, that it is dangerous to eſtabliſh by law the entire liberty of the preſs in a new ſtate, which has acquired its freedom and independence, before it has learned the art or the ſcience of making a proper uſe of it. It is certain that without the liberty of the preſs, there can be no freedom of thought, and conſequently that neither manners nor knowledge can make any progreſs. Allow every thing to philoſophers who ſtudy the ſecrets of nature, who explore truth amidſt the ruins of antiquity, and the darkneſs of modern times, or who write upon laws and the particular regulations, reſolutions and arrangements of civil adminiſtration: their errors are of no importance; their diſcuſſions, whatever they may be, ſharpen the underſtanding, accuſtom it to a regular progreſs, and afford information uſeful to morality and to politics.

But as the Americans are too much habituated to the philoſophical ideas, the opinions and prejudices of England, to be ſuddenly weaned from them; how could it then be expected that they

would not continue to deduce dangerous conſequences from errors which they conſider as ſo many principles, had they full liberty to print every thing, before the continental Congreſs had eſtabliſhed thoſe truths, that are to conſtitute the morals, the polity and the character of the confederacy. As long as your ſeveral republics have not created within themſelves a council or ſenate, as a Palladium, to preſerve and perpetuate the national ſpirit; what inconſiſtency of doctrine, what extravagancies and irregularities, muſt you not expect, if every citizen, who poſſeſſed a talent for writing, might with impunity entertain the public with his reveries, and attack the fundamental principles of ſociety.

Not thus did thoſe ancient republics, which claim our admiration, conduct their government. They diſtruſted the weakneſs of the human underſtanding, they knew how eaſily falſehood eſtabliſhes it's empire over mankind; they were acquainted with the paſſions by which the people are agitated in a democracy, as well as the more ſerious and conſiſtent paſſions of an Ariſtocracy. Hence their care to direct or to repreſs them, and to proſcribe whatever might be prejudicial to morals. Had the art of printing been known to them, it is not probable they would have ſuffered raſh authors to publiſh dangerous paradoxes, in order to make diſturbances, and to excite men incapable of reflection, againſt thoſe, to whom the laws intruſted government and the public welfare. Sparta

baniſhed from her territory a poet who had celebrated pleaſures which ſhe deſpiſed; and would not permit the addition of a new chord to the Lyre, which would have rendered its ſound ſoft and effeminate. Rome conſidered the Sybilline verſes as a ſacred oracle which ſhe conſulted in the moſt difficult conjunctures; but ſhe intruſted it only to particular magiſtrates, and was aware of the danger of leaving it in the hands of a people, incapable of penetrating its ſenſe, and of accommodating it to the maxims of the republic.

I believe, ſir, that I ſhould convince you of all the importance of this obſervation, by reminding you how ſmall is the number of perſons capable of thinking for themſelves, and of diſcuſſing an opinion: the reſt are a heap of children, who have no ideas of their own, whom no abſurdity ſhocks, and whoſe memory is their whole underſtanding. If therefore government is deſigned to direct the turn of thought of ſuch perſons, as parents are to guide their children, whoſe reaſon is yet immature; will it not follow, that by neglecting to direct the mean, confined, and conſtantly childiſh underſtandings of the majority of the citizens, government would be neither leſs imprudent nor leſs culpable, than the parent who guarded not his children from dangerous opinions, which might miſlead their infant reaſon, as yet too feeble to diſcriminate truth, and to avoid being deceived by paradoxes and falſehood?

If, in America as in Europe, ſophiſts and cavillers attack thoſe truths which are the foundation of morality and politics; if men of violent paſſions ſacrifice the firſt principles of ſociety to their private intereſts; if immoral writers teach citizens to lay aſide the ſenſe of fear, of ſhame, of remorſe and of honour; if others, with equal indifference, put up either truth or falſehood to ſale, why ſhould the paſſions be leſs impetuous, and produce effects leſs fatal in America than in Europe? Attend to what paſſes in our world; it is owing to books written with a view to render vice beloved, that our manners admit of no reſtraint; they have weakened, or rather deſtroyed the empire of the laws, they have perverted government, and policy, when not influenced by morals, wanders in the dark, and is extricated from one error, only to fall into another.

I ſhould therefore require every writer to ſet his name to his work, that if he violated morality, the majeſty of the laws, or the reſpect due to magiſtrates inveſted with the executive power, he might be ſubject to their animadverſion. If he concealed himſelf under a feigned name, why ſhould he not undergo a more ſevere puniſhment, as the fiction itſelf is a proof that he was aware of the crime he committed, and was not betrayed into it through ignorance? In this caſe, it would be no more than juſtice, that he ſhould, for ſome years, be deprived of every right of a citizen in elections.

Though through the whole of this letter I have insisted only on the influence of manners, on the necessity of reforming them, and after this of preventing their decline, in order to have a good government and salutary laws, I acknowledge that I have only given a very slight sketch of this important subject. If those who are at the head of affairs in America desire further information on this head, they will find it in a work published in England about five or six and twenty years ago by Dr. Brown, entitled *An Estimate of the manners and principles of the times*. I never read a work more profound in political knowledge; and the author, after the manner of the ancients, considers in the present, the future period, which he predicts. At first this book had great success in England, the minds of men were terrified with the truths it presented; but the progress of corruption was already so great as to deprive them of the fortitude necessary for reformation, and they slumbered in the lethargy of their vices. However the war of 1756 crowned the English with glory. They were conquerors at sea; their arms were every where attended with the most brilliant success, and Dr. Brown's fears were treated with universal contempt. To avoid all uneasiness on this head, they were resolved not to see that all this prosperity was the work of one man of genius, who suspended the decline of his country, while he suffered the causes of its ruin to continue, and even to increase. This ephemeral blaze of glory is no more; the Americans have found by ex-

perience that their enemies were crushed by the weight of their own rapacious ambition, and that the manners censured by Dr. Brown have hastened the period of their strength and power, and especially of that national and patriotic haughtiness, which had hitherto counterbalanced the vices of the nation. I am much mistaken, if the legislators of America may not derive much useful instruction from Dr. Brown's work, by following his principles and method.

Before I conclude this long letter, suffer me, sir, to examine some other articles of the American constitutions, that seem not to provide against the evils with which you are threatened. Do you, for instance, approve of that law, which ordains that the judges of the supreme court of judicature shall be continued in their offices during their good behaviour. At first sight this regulation appears prudent; but the following are my objections. I should apprehend that persons, who may aspire to these dignities, might think their expectations too long deferred, and be tempted to intrigue in order the more speedily to accomplish them. These will lay snares for the judge whose seat they covet, they will excite secret enmities against him; for of what stratagems and perfidious arts, is not intriguing ambition capable? if the magistrate opposes his probity alone against the attacks of those who envy him, and falls a victim to them, all is lost; and his successors, soon persuaded of the impotence of virtue, will oppose

only intrigue againſt intrigue. Conceſſions will be made in order to procure powerful friends and protectors; juſtice will no longer hold an equal balance; and nothing is more fatal to public manners, than the malverſation of judges in the adminiſtration of juſtice. The laws then loſe their credit; for means are eaſily found to elude, under pretence of rendering them more equitable.

My fear, or rather my zeal for your intereſts leads me perhaps to exaggerate theſe dangers. I will allow therefore that the ſpirit of intrigue ſo common in Europe may be for ever unknown in America. But what will be the conſequence of this? Your magiſtrates will at firſt be very attentive to their duty. None of them will be depoſed, and from always ſeeing them hold their ſeats till their death, men will be accuſtomed to think that they were given for life. The ſucceſſors of theſe reſpectable perſons will be delighted with an opinion that gratifies their vanity, and will eagerly adopt it. Then the evil will commence; then theſe once upright magiſtrates will become relaxed, negligent, and inattenive to their conduct: ſlight faults will at firſt be overlooked, becauſe degradation, till then unknown, will ſeem a puniſhment too ſevere. Hence crimes will be multiplied, while cuſtom will deſtroy the ſenſe of their guilt; and from their vices, thus at laſt become not diſreputable, the judges will derive a kind of privilege or right to continue their ill conduct. This prediction is by no means void of foundation; for lawyers,

yers, more artful than other men, proceed ſlowly and gradually; nor will the republic be ſufficiently fortunate to experience any glaring act of injuſtice on their part, which ſhall compel it to attend to its intereſts and to apply a remedy to theſe abuſes.

As I am upon the ſubject of courts of judicature, permit me to add a word or two concerning courts of equity. This eſtabliſhment might be uſeful in England, when it was ſubject to the feudal policy, and the laws of courſe were equivocal, rude and imperfect. At that time the leaſt evil might paſs for a good. But America is not in ſimilar circumſtances. I am a ſtrong advocate for the Judges following the letter of the law. If in any particular caſe, they ſhould think it obſcure or unjuſt, inſ... of aſſuming the office of legiſlators, let them conſult the legiſlative power. I fear leſt courts of equity, under pretence of deciding according to the ſpirit of the laws, ſhould corrupt and pervert them, by rendering them arbitrary. To me my fears appear more reaſonable, as in every nation of Europe, lawyers have endeavoured only to render the ſenſe of the laws more obſcure and undecided. It is hence they derive their importance. We ſhould have leſs need of them, if they did not conduct us in the paths of a gloomy labyrinth. I repeat it: if a law is equivocal, or ſeems too ſevere and contrary to the dictates of humanity, recourſe ſhould be had to the legiſlative authority, which alone has the right to amend

it: and it is of the utmoſt importance to the ſafety and tranquillity of the citizens, that no court of juſtice ſhould at pleaſure form a juriſprudence of its own, which might eaſily degenerate into a moſt intolerable tyranny, becauſe it would ſoon become ſubſervient to all the paſſions of the judges.

I beg leave, Sir, to obſerve that there are in the conſtitutions of America, ſeveral laws, which one cannot help at once approving and condemning. The republic of Maſſachuſets for inſtance ordains, that *as in times of peace armies are dangerous to liberty, they ought not to be maintained without the conſent of the legiſlature*; and adds, that *the military power ſhall always be held in exact ſubordination to the civil authority, and be governed by it.* This law plainly diſcerns, but does not prevent the danger. Why are only times of peace mentioned? Is it becauſe armies are more diſpoſed in times of war to be ſubject to the civil authority? Examples of generals, who have inſpired their armies with ambition like their own, are ſo frequently to be found in hiſtory, that perſons of the leaſt education will ſcarcely credit ſuch a paradox. The purpoſe of this law is vague and imperfect. It is not enough to declare that the army ought to be ſubordinate to the civil authority; this is a truth comparatively trivial; but the legiſlature ſhould take every poſſible meaſure and precaution, in order to ſecure the continuance, and to prevent any interruption of this ſubordination, when

once eſtabliſhed. How much care is neceſſary in every free ſtate to render the citizens good ſoldiers, and yet to prevent their abuſing their power. Neglect theſe, and you will again behold a Sylla, a Marius, a Cæſar, a Cromwel, a Walſtein.

New York ordains *that the militia at all times here after, as well in peace as in war, ſhall be armed and diſciplined, and in readineſs for ſervice.* It is eaſy to ſee how much is yet deficient in this law. Penſylvania declares *that the freemen of this commonwealth and their ſons ſhall be trained and armed for its defence, under ſuch regulations, reſtrictions, and exceptions, as the general aſſembly ſhall by law direct, preſerving always to the people, the right of chuſing their colonels, and all commiſſioned officers under that rank.* This regulation has the ſame defect with that of New York which I have juſt mentioned. It appears as if the legiſlator had confined his view to the end propoſed, without conſidering the means of attaining it. In whatever view I examine the legiſlation of your republics, I cannot diſcern thoſe relations, which unite the intereſts and the inclinations of the citizens. I perceive not that harmony, which preſerves all the departments of the ſtate in a kind of equilibrium, and gives them one common ſpirit.

You may be aſſured, Sir, that your people, whoſe ſupremacy the laws have ſo evidently eſtabliſhed, will be difficult to manage, becauſe they

will feel their power. As they are armed for the defence of their country, they will be jealous of their dignity: they will also be uneasy and suspicious, from seeing that some of their fellow citizens, who are not at all superior to them in point of rights, are nevertheless so proud of their fortune, as to refuse to mix with them, and affect a certain superiority. This is an incurable disorder, incident to all free states in which property is very unequally divided. If this leaven of envy, jealousy, and ambition cease to act, it is a certain sign that the sense of liberty is too much enfeebled and dispirited to be of long continuance. But if it ferment with too much violence, the republic will suffer shocks and commotions, that will infallibly terminate in its ruin. What is then the regimen best suited to such a constitution? This will in my opinion, consist of conciliatory laws, which, without depriving the poor of any of their rights, will prevent the rich from the abuse of those passions, which their wealth inspires. The people derive from the mediocrity of their fortunes a kind of moderation, from which, unless irritated by contempt or injustice, they seldom depart. Wealth, on the contrary, inspires its possessors with a vanity, which is the more insolent, as it is void of reason. It wishes to govern, and assumes the wish as a privilege. Why then do not the other United States proscribe entails, after the example of Georgia, where they are prohibited? Why tend not the laws to divide those fortunes, which the avarice of the wealthy

would accumulate without end? Why do they not, by marking luxury with contempt, deprive rapacity of the aliment that feeds, and renders it insatiable. Had the American constitutions been established upon these principles, I should have observed with pleasure, that you were aware of the danger to which your republics are exposed, and had, at least, endeavoured to establish in the state a bond of peace and concord, and to fix liberty on a firm and lasting basis.

I have often with satisfaction surveyed the Swiss Cantons. Some of them possess little provinces in common, of which they are sovereigns: their forces are very unequal; different laws, and religions so inimical every where else, in this happy country cause no dissentions. They are held together by a tie less powerful, and less regular, than that which connects the thirteen United States of America; yet they enjoy that order and tranquillity, for which these perhaps may wish in vain. The Cantons have never suffered any dissentions except of short duration, which left not the seeds of hatred, of envy, or of ambition. Whence is this confederacy governed with so much prudence? Why is democracy in some of the Cantons, free from those capricious irregularities, which are so natural to it? Whence does an aristocracy, which from its nature is suspicious and insolent, become, as in the Canton of Berne, a paternal government? Why do the magistrates there con-

fider themſelves as the agents, not the maſters of the community.

The more you enquire into the cauſes of this happy adminiſtration, the more you will be convinced that it is an effect of that ſilence, which the Swiſs have impoſed upon paſſions the moſt natural to the human heart. They have carefully avoided all temptations, that might induce magiſtrates to be ambitious and unjuſt. By theſe means, the people are full of confidence and ſecurity, and love the laws on which they depend. Their country is dear to them, and they behold without uneaſineſs and impatience, thoſe little omiſſions and errors, which are the inevitable conſequences of human imperfection. They inhabit a poor country, which preſerves them from all thoſe importunate wants, that depopulate and diſgrace wealthy nations. The foreign ſervice in which they are engaged, produces two beneficial effects: it forms ſoldiers for them, notwithſtanding that peace, which they love and enjoy; and it rids them of thoſe irregular ſubjects, who cannot be ſatisfied with the ſimplicity of Helvetic manners.

Theſe reflections have induced me to think it extraordinary, that the United States of America, as they poſſeſs fertile lands, and are ſituated in a manner the moſt favorable for an advantageous commerce, ſhould not have foreſeen that they will ſoon be expoſed to all thoſe abuſes which ne-

ceſſarily attend upon great wealth. Their legiſlators ought therefore to have known, that their republics would not find it eaſy to preſerve thoſe manners which liberty requires. Conſequently they ſhould not have been ſatisfied with recommending generally the practice of ſome virtues; they ſhould have omitted no method, which might familiarize and render them beloved.

It muſt be acknowledged, ſir, that the Americans have eſtabliſhed their independence amidſt unfavorable circumſtances. The times are now no more, in which the minds of men, forcible, elevated, and bold, were at once capable of the moſt ſublime virtues, and the moſt violent acts of injuſtice. The Swiſs, too poor to have the vices of our age, and united by their poverty itſelf, roſe in arms againſt maſters, whoſe oppreſſions and cruelties had at laſt exhauſted their patience; in this enterprize, they could propoſe no object except liberty and honour; for to them all other objects were unknown. Your colonies on the contrary, already corrupted by their relation to the mother country, envied its wealth as much as its liberty: and it is for this reaſon I could have wiſhed, as I have before obſerved to you, that a long and difficult war had ſubſtituted new paſſions and new ideas, in the ſtead of thoſe, with which you have been ſupplied from Europe.

I return to the Swiſs, and the more I examine their confederacy, the more I am perſuaded that

they owe the perpetuity of their manners, and of their equality, to the happy reſolution of having no fortified cities, nor any fortreſs in which it might be neceſſary to keep a garriſon, that is, mercenary troops, who are mere ſoldiers, and who are never better pleaſed, than when they can intimidate peaceable citizens, and make them feel their pretended ſuperiority. Hence the magiſtrates, not having troops at hand, of whom they have the diſpoſal, neceſſarily become habituated to a conciliatory and equitable conduct. They are the more cautious in their undertakings, becauſe as their imaginations are not accuſtomed to dwell on bold projects, they are not liable to be miſled by groundleſs hopes. With fortreſſes, with mercenary garriſons under their command, the magiſtrates would have been ſenſible of a power, which would have rendered them more confident, conſequently leſs circumſpect, and more unjuſt. Fortreſſes would have been multiplied, under pretence of defending the country againſt invaſions; and at the ſame time, thoſe magiſtrates who were moſt actuated by rapacity and ambition, would not have failed to render the citizens forgetful of their former military ſpirit, by pretending to indulge their taſte for tranquillity, and for the purſuits of agriculture.

In this caſe, what would have been the fate of thoſe ſmaller Cantons, where, under the protection of excellent manners, the freeſt and the pureſt democracy ſtill prevails? Would the citizens ſtill

continue to assemble under an old oak, or an old fir, to deliberate without art on public affairs, as in those ages, which reflect the greatest honour on humanity? Those Cantons, in which democracy is now tempered by the laws and customs of a moderate aristocracy, would then long since have been subject to aristocratical nobles, that is, to tyrants. Even Berne, the aristocracy of which has none of those defects, which seem to belong to this mode of government, would not have failed, by enslaving its own citizens, to destroy the Helvetic league. The ambition and avarice of this republic would have led it to abuse its power: Berne would have enslaved those allies, whose rights and alliance she now so religiously respects.

You will perhaps tell me, sir, that all your republics have cities and ports on the sea coasts, or near the mouths of large rivers, which it is necessary to fortify. I know of what importance it must be to you to defend the entrance of your ports, by fortresses and garrisons constantly maintained, if you wish to be your own masters. I can also conceive, that in the interior part of your country, you cannot avoid erecting some forts, to prevent the incursions and depredations, which the savages might otherwise make upon your territories. Have therefore castles and garrisons, as your provinces are not naturally fortified like those of Switzerland; but never suffer these places of strength to be at the disposal of the magistrate of the country, in which they are erected. That they would

be tempted to make a wrong uſe of them, is an apprehenſion which I cannot lay aſide.

I ſhould therefore require that theſe forces were intruſted to the direction and orders of the continental Congreſs. As this alone, by the forms of your confederacy, is inveſted with the power of treating with foreigners, it ought alſo to poſſeſs the power of commanding troops deſtined to commit hoſtilities againſt them. Theſe garriſons, who ſhould be prohibited interfering in civil affairs, and ſhould receive no orders except from Congreſs, would never become a weapon in the hands of magiſtrates; and thus the civil power, having none but mild and conciliatory means to calm the minds of the people when agitated, would be obliged to adopt a policy ſuitable to their circumſtances. The citizens, on their ſide, having nothing to dread, would at length be habituated to obey the laws, not from motives of fear, but from principles of reſpect and affection. Hence would ariſe univerſal ſecurity. The rich would not abuſe their wealth, or at leaſt theſe abuſes would be longer deferred, and attended with leſs haughtineſs. The people, armed like the Swiſs, and forming the real ſtrength of the ſtate, would render themſelves reſpected, even in their ſubmiſſion and their poverty. None of your republics can, in my opinion, have any thing to fear from the meaſure I propoſe. Is it poſſible to ſuſpect, that the continental Congreſs can, at any time, wiſh to abuſe the forces I would reſign to

their diſpoſal, toward uſurping an authority fatal to the liberties of the United States? Does not this reſpectable body conſiſt of members, who have already paſſed through the ſeveral offices of their republics, who have contracted its manners and habits, and who muſt ſoon return to the claſs of private citizens? But if we ſuppoſe they could be mad enough to form ſuch a conſpiracy, of what avail would be their fortifications, their caſtles, and their garriſons, in oppoſition to the militia of your thirteen republics united?

PASSY 13th *of Auguſt* 1783.

LETTER IV.

Of the dangers to which the American confederacy is expoſed: the riſe of diſturbances and factions: the neceſſity of augmenting the power of the continental Congreſs.

All Europe, ſir, after having feared that you would not have been able to reſiſt the power of Great Britain, is now delighted with the unremitted courage and perſeverance you have exerted, and the ſucceſs with which they have been crowned. The preliminaries, which ſecure the independence of America, are already ſigned, and we are at this moment, on the eve of ſeeing them confirmed by ſolemn treaty. Every nation, while it views a new branch of commerce opening to its induſtry, thinks only of enriching itſelf with the ſpoils of the Engliſh. I daily meet with thoſe money-loving politicians, who envy not your libert, but the wealth, that will pour in upon you from the four parts of the world. They already behold the ſeas covered with your ſhips, and regarding gold as the nerve of war and of peace, and the object of the moſt profound policy, heſitate not to promiſe you the greateſt proſperity.

For my part, I muſt acknowledge, on the contrary, that this proſpect of prodigious wealth makes me trem-

tremble for the lot that awaits you. After the three letters I have had the honour of writing to you, you cannot be ſurpriſed at this declaration. I cannot help reminding you of Plato, who to ſecure the happineſs of a republic, would not have it eſtabliſhed either on the ſea ſhore, or on the banks of large rivers. This poſition, ſays he, would expoſe it to the dangers of commerce. Strangers, who would not fail to bring hither their ſuperfluities, would accuſtom the citizens to new wants. Allured by theſe novelties, the citizens ſoon become unable to live without them, and induced by paſſions before unknown, imagine they render an important ſervice to their country, by not waiting the arrival of ſtrangers to ſupply them with articles of commerce. They wiſh in their turn to cover the rivers and ſeas with their boats and ſhips, arts and manufactures are encouraged; yet every bale of merchandiſe, imported or exported, will certainly become, like Pandora's box, a ſource of evils to the republic.

If, Sir, this doctrine, which in order to conceal our folly from ourſelves, we term ſavage, or perhaps ridiculous, is worthy of credit, what conſequences fatal to the United States of America muſt flow from it? Plato would certainly think that your republics could not promiſe themſelves a laſting proſperity; even though they ſhould now repair all thoſe omiſſions, which have eſcaped the attention of your legiſlators, and concerning which I have taken the liberty to detain yours, in my

preceeding letters. This philoſopher would tell you, that by eſtabliſhing the government on a more regular baſis, by ſo artfully framing and arranging the laws, that they mutually ſupport each other, and intereſt the affections of the citizens, you may delay, you may ſuſpend the courſe of your misfortunes, but you will not prevent them; and you will at laſt be the victims and dupes of the temptations, to which you will be expoſed.

This Plato is rather an unmanageable gentleman, He had calculated the powers of human reaſon, and thoſe of our paſſions; he knew the ſource of our vices, and the fatal chain that connects them with each other. Perhaps he would have the aſſurance to tell you, that the ſavages, who wander about your frontiers, are leſs remote from the true principles of civilization, than thoſe nations that cultivate commerce, and are fond of wealth. Savages, would he add, cannot reaſon regularly and methodically concerning the rights of humanity; but all the principles of theſe are deeply engraved in their ſtrong and vigorous minds. They will not fear to practiſe any virtue, the moment they are convinced of its utility; they will cultivate it from ſentiment; while nations, more proud of their knowledge, yield to an inſtinct, that leads them into evil; and at laſt invent arguments to defend, or rather to approve their conduct.

But let us, if you pleaſe, Sir, apply to a philoſophy leſs auſtere, and better ſuited to the pre-

ſent manners; and permit me to give you Dr. Brown's ſentiments upon commerce. "From a "candid view of its nature and effects", ſays he, "we ſhall probably find, that in its firſt and mid- "dle ſtages it is beneficent, in its laſt, dangerous "and fatal."

"If we view commerce in its firſt ſtages, we "ſhall ſee, that it ſupplies mutual neceſſities, "prevents mutual wants, extends mutual know- "ledge, eradicates mutual prejudice, and ſpreads "mutual humanity."

"If we view it in its middle and more advan- "ced period, we ſhall ſee, it provides conve- "niences, increaſes numbers, coins money, gives "birth to arts and ſcience, creates equal laws, "diffuſes general plenty and general happineſs."

"If we view it in its third and higheſt ſtage, "we ſhall ſee it change its nature and effects. It "brings in ſuperfluity and vaſt wealth; begets "avarice, groſs luxury, or effeminate refinement "among the higher ranks, together with general "loſs of principle."

"Induſtry, in its firſt ſtages, is frugal, not un- "generous: its end being that of ſelf preſervation "and moderate enjoyment, its little ſuperfluities "are often employed in acts of generoſity and "beneficence. But the daily increaſe of wealth "by induſtry, naturally increaſes the love of

" wealth. The paſſion for money, being founded " not in ſenſe, but imagination, admits of no ſa- " tiety, like thoſe which are called the natural " paſſions. Thus the habit of ſaving money, " beyond every other habit, gathers ſtrength by " continued gratification. The attention of the " whole man is turned upon it; and every other " purſuit held light, when compared with the in- " creaſe of wealth. Hence the natural character " of the trader, when his final proſpect is the " acquiſition of wealth, is that of induſtry and " avarice".

" What is true, in this reſpect, of trading " men, is true of trading nations. If their com- " merce be that of œconomy in the extreme, if " the laſt object of their purſuit be wealth for its " own ſake, if the leaders of ſuch a people be " commercial, the character of that people, and " its leaders, will be found in induſtry and ava- " rice."

To an authority thus weighty, I might add that of Cantillon, a man of a moſt penetrating and extenſive genius. He had himſelf carried on a large commerce, and had explored all the ſprings by which it is moved and influenced, and which merchants, bankers, ſtockjobbers and ſpeculators in buſineſs invariably obey. It is plain that money is the ſoul of all their operations; that though they indeed inhabit a land, they have not a country; that their rapacity is imperceptibly communicated

to the reſt of the citizens, who, as they have always new wants, can never have a competence of fortune. Afterwards, conſidering commerce in a political view, he evidently proves, that all the power it ever does, or poſſibly can confer upon a nation, is tranſient and momentary. That opulence, of which it is ſo vain, ſoon vaniſhes, becauſe as the expences attending a lucrative commerce are increaſed, its own manufactures are neglected in ſearch of thoſe of a poorer people, among whom labour can be purchaſed at a lower price. Then, becauſe commerce is ruined, and money becomes ſcarce, governors are accuſed of folly, or of neglect, as if it were in their power to alter the nature of things.

However, obſerves Cantillon, during the momentary opulence, which ſuch a nation may enjoy, it becomes intoxicated with its proſperity, forms chimerical notions of its power, deſpiſes its neighbours becauſe leſs wealthy; uſurps a right of ruling, or at leaſt, of treating them with inſolence. From ambition, vanity, ignorance, qualities which eaſily coaleſce, it blindly plans undertakings beyond its ſtrength. Hence loans, and all that wonderful management, by which an extenſive credit is acquired. But as men are never ſufficiently wiſe to be reformed by experience, banks are invented, in order to ſubſtitute paper inſtead of coin, of which they are deſtitute, and it will ſoon be aſſerted, that credit is the true ſource of national power. Vain reſource! Of Banks, the imaginary

wealth ſpeedily vaniſhes; and endeavours are made to reſtore trade by force of arms, without perceiving that war will abſorb more riches, than the moſt ſucceſsful commerce can ſupply. I will add no more, Sir, as I think Cantillon's work muſt, already have croſſed the Atlantic.

If what I have now written, in which I have copied Dr. Brown's own words, and expreſſed the ſentiments of Cantillon, be allowed as an inconteſtable truth, illuſtrated by innumerable facts; have I not reaſon to indulge ſome apprehenſions for the future circumſtances of the United States of America? How can I be otherwiſe than uneaſy on this head, when I ſee that their local ſituation invites, ſolicits, compels them to give themſelves up to commerce. Your towns are filled with citizens, who previous to your revolution, had already adopted all the ideas of the Engliſh concerning national commerce, wealth, and proſperity, and who are not yet undeceived, though they now ſee, that England is poor in the midſt of all her envied riches, whence, as is evident from her war with you, inſtead of advantage, ſhe derived only confident temerity, and deluſive hope.

What meaſures have your legiſlators adopted to ſet bounds to commerce, and to fix it in that happy mediocrity, which, according to Dr. Brown, is yet conſiſtent with ſome virtues? I am certain that if the paſſions are allowed the leaſt hope of

ſucceſs, not all their laws could form an effectual barrier; but I ſhould at leaſt have had the ſatisfaction of obſerving, that attention had been paid to the principles of ſound policy, and that theſe regulations might retard the progreſs of thoſe vices, which, with Plato, I cannot help apprehending.

Inſtead of this, the republic of Maſſachuſets, which ſhould be an example to the reſt, reſolves *to encourage private ſocieties, and public inſtitutions, rewards, and immunities, for the promotion of agriculture, arts, ſciences, commerce, trades, manufactures, and a natural hiſtory of the country.* They have perhaps preſumed, with Dr. Brown, that a mediocrity of commerce might be productive of ſome advantages to the community; and without attending to the remainder of his argument, have concluded, that a more extenſive trade would produce yet greater advantages. Whereas they ought, on the contrary, to have diſcerned, with Plato, that this mediocrity of commerce, by exciting paſſions the moſt unruly, is the ſource of a number of vices, the influence of which will prevail over that of government and laws.

Permit me, Sir, to adopt the method of Dr. Brown, whom I hold in a moſt reſpectable light, and to trace, ſtep by ſtep, the progreſs of thoſe evils, which I apprehend for the United States of America. At firſt, and as long as your principal cities ſeek only to extend and multiply their

connections and buſineſs, the republic will appear tranquil and flouriſhing; becauſe, as the citizens begin to be a little diverted from attending to the intereſts of the commonwealth, by the cares and employments of their private commerce, they will no longer have that ardour, that zeal, that love for the public good, which, though a virtue of the firſt rank, is often productive of violent diſſentions, ſometimes of jealouſies, and of a ſpecies of faction, which timid diſpoſitions almoſt always miſtake for the commencement of ſedition and inſurrection, but which is indeed nothing more than a ferment neceſſary to elevate the minds of men, and inſpire them with ſtrength, courage, and conſtancy. The cultivators in the country will as yet perceive only the advantages of commerce: the produce of the earth will acquire a new value: Encouraged by the profits of agriculture, the labourer will clear uncultivated lands? population will increaſe, becauſe children are no burden to their parents; and at the ſame time, manufactures will be eſtabliſhed in every place, which will be equally ſerviceable in promoting commerce and agriculture.

As yet, this picture preſents nothing formidable to thoſe, who are not accuſtomed to peruſe the page of futurity. Here nothing offers itſelf to the view, but a people bleſſed with plenty, and cultivating with ardour the moſt uſeful arts. But let us examine the infant and growing vices, which are concealed under theſe flattering appearances. A

ſpirit of commerce will, in my opinion, ſoon become the general and predominant ſpirit of the inhabitants of your cities. Thoſe, who do not entirely reſign themſelves to its influence, muſt ſubmit to comparative poverty, and ſink themſelves beneath the level of thoſe traders, whoſe wealth is daily increaſing. I believe that thoſe, who are thus newly enriched, will at firſt have only that groſs and fooliſh vanity, which wealth inſpires. Without deſpiſing thoſe citizens who have been leſs fortunate, they will only deem their own abilities greater. Their ridiculous preſumption will not, for ſome time, prevent their being plain quiet people. But after the ſecond, or, at furtheſt, the third generation, do you imagine that their children, born in the midſt of wealth, will not have the paſſions, which it infallibly inſpires? With what eye then will they behold that equality, which your laws were intended to eſtabliſh among citizens? They will have no idea of thoſe inalienable rights of ſovereignty, which you have aſcribed to the people. As, among all nations, whether ancient or modern, riches have been the ſource and principle of that nobility, of which men are ſo vain; what miraculous circumſtance ſhall prevent their dividing families in America into different claſſes? Wealth eſtabliſhes the moſt eſſential and ſenſible difference between man and man; whence then can you expect, that, among you, it will ſuffer the poor to enjoy equal advantages with the rich? Your conſtitution muſt therefore neceſſarily undergo a diſſolution. It is becauſe

I thus foreſee the revolution, with which you are threatened, *urgent fata*, that I prefer to all the reſt, the conſtitution of Maſſachuſets, as preſcribing the narroweſt limits to the Democracy, and as preparing the republic for its inevitable tranſition to ariſtocracy, without expoſing it to thoſe violent and convulſive commotions, which Penſylvania will probably experience, and which, in all likelihood, will reduce it beneath the yoke, either of an oligarchy, or of a ſingle tyrant.

I return, Sir, to the inhabitants of the country, and I will allow that, at firſt, while fully employed in the care of their crops, and of their agriculture, they will be contented with their condition, and, provided they can ſell their produce at a high price, will pay but little attention to what paſſes in cities. But to every thing human there is a period; and when theſe men, after having for a while neglected public concerns, begin to derive the greateſt poſſible advantages from their poſſeſſions, and become vain of their leiſure, their number, and their eaſy circumſtances, can it be expected that liberty will not engage their attention? Will they with indifference behold the haughtineſs of cities, and the arrogant claims of cits. They had never before thought of ambition, they had ſcarcely attended even to the circumſtance of their being free, becauſe they depended upon that equality which the laws had eſtabliſhed. But when they behold the haughtineſs of the wealthy, and have reaſon to fear that they wiſh to ſeize

the whole of the public authority, will these men, who are accustomed to the use of arms, and who will feel their strength, patiently submit to become the subjects of an aristocracy? The Roman republic was ruined from the moment their laws and manners were in opposition to each other. With you likewise, a Gracchus, an able ambitious man, or a violent orator, will be sufficient to excite your citizens against each other, and to involve them in that anarchy, which but too frequently terminates in all the rigours of despotism.

Such, Sir, is the catastrophe which I dread. In vain will you make laws, if they are not supported by manners. In vain will you recommend the practice of a few virtues, if you have not the art to protect them, by an early and resolute opposition to the wiles and stratagems, as well as to the force of the passions. This is an awful truth; and is the more formidable, as the vices, the prejudices, and the opinions of Europe have perhaps already gained so much ground in America, as to leave no hope of your establishing liberty upon a permanent basis. Alas! why have you not in your republics, more citizens like that truly great man, to whom you are so much indebted? Prudent as Fabius, when it was necessary to temporise, enterprising as Marcellus, when it was proper to act, he might have been a Cromwell; but, influenced by that pure love of glory which constitutes the hero, as soon as you no

longer needed his ſword to defend you, he reſigned his authority, retired to his eſtate, and proves that there ſtill remains an inſtance of the ancient virtues of the Roman republic.

Though perhaps circumſtances may not allow you to prevent the evils I aprehend, you ought nevertheleſs to adopt ſuch meaſures, as are beſt calculated to retard them, and at leaſt to ſecure a tranquil, and, as it were, imperceptible revolution. This is an obligation which probity impoſes on every good citizen. If inſuperable objections prevent the attainment of the end propoſed by civil government, we ſhould at leaſt endeavour to enter upon the path that leads to it. Is it then of no importance to retard the courſe of our paſſions, the too rapid progreſs of our vices, to protect and encourage virtue, and, for a time, to prolong the tranquillity of the republic? I intreat, I beſeech thoſe citizens, who by their genius and talents, ſeem deſigned in the ſchemes of providence, to aſſiſt, with their underſtanding and knowledge, thoſe multitudes that purſue happineſs, but are liable to ſeek it where it is not; I conjure them, by every regard for their honour and fame, to reflect that they now hold in their hands, the lot of all their poſterity. If they ſuffer this favorable moment to eſcape them, while their minds are yet animated with that courage, that ſtrength, and that chearfulneſs, which is inſpired by liberty recently obtained, and purchaſed by arduous labours; it will become too late to attempt

a reformation. You may be aſſured that the minds of men will cool amidſt the tranquillity of peace, and become incapable of any generous effort. If Engliſh prejudices now prevent you from eſtabliſhing your government on the beſt principles, the habits you will contract will daily increaſe your attachment to them, and, as I have already obſerved, it will be too late to retrieve your error.

I well know that perſons of the moſt enlightened underſtandings, when, on every ſide, they meet with nothing but inſuperable obſtacles to the good they propoſe, are apt to be too much diſcouraged in their enterpriſes, and frequently give way to the fatal temptation of leaving every thing to thoſe events, which determine the laws and manners of a nation. Nothing can in fact, be more mortifying to a citizen of ſuperior abilities, than the idea that he can execute no more than a ſlight ſketch of his deſign. What he is permitted to carry into execution he thinks unworthy of him, he retires from the adminiſtration of public affairs; and, from a fear leſt he ſhould be accuſed of having cauſed the evil, which he was not ſuffered to prevent, he neglects his duty and the intereſts of his country. The annals of antiquity afford many inſtances of great men, who becauſe they prudently complied with the influence of circumſtances which human wiſdom could not alter, have had no other choice left, than that of ſelecting the leaſt defect; but the equitable page of hiſtory has done them juſtice, and, in the appa-

rently imprudent measures they have adopted, has discerned all that knowledge, and all those talents, which, had circumstances less unfavorable occurred, they would have displayed with greater splendour. You have many citizens equally distinguished by their virtues, and their abilities. With several of these I have had the pleasure of being acquainted; and in this class, I rank the colleagues, who were assigned you, and with whom you have so happily compleated the work of your independence. Whatever future lot may await America, you may be assured, Sir, that posterity will do justice to your joint endeavours, when they see that you have taken every possible measure to restrain the passions, and to oppose the rise, or, at least, the progress of abuses. They will never reproach you with the evils of which they may complain; but will say of you, as Horace did of Regulus;

"Hoc caverat mens provida Reguli;" ——

and will acknowledge that it would have been happy for them, if your successors had exerted similar prudence and fortitude, and had continued to govern them according to the same principles.

If you take proper measures to prevent commerce from multiplying your wants; if you oppose the progress of luxury, if your laws are prudently diffident of women, by whom corruption has been introduced into every republic; if you set bounds to the ambition of the rich, who are na-

turally inclined to think that every thing is their due, becauſe poſſeſſed of that wealth, to which every thing ſubmits; in a word, if you endeavour to eſtabliſh among all your citizens, and among all the departments of your government, ſuch an equilibrium, as leaves reaſon to conclude that you have exerted every poſſible effort to fix liberty firmly on the baſis of laws, you need not fear that the evils, with which America may at any time be afflicted, will be imputed to you. The cauſe will be aſcribed only to thoſe unfavorable circumſtances, amidſt which you were conſtituted. Our firſt legiſlators, will the wiſe obſerve, as they could not adopt the ſpirit of Lycurgus, have aſſumed that of Solon: they have given us, not perfect laws, but thoſe of which we were ſuſceptible, and it is only thoſe vices which they could not poſſibly eradicate, that are now hurrying us on to the brink of ruin.

But however this may be, Sir; it is beyond a doubt, that as ſoon as your republics are enriched by an extenſive commerce, their citizens will aſſume the genius and character peculiar to traders. The moſt ſordid intereſt muſt become prevalent in banks and counting houſes, where they are accuſtomed to determine the value of every thing by its weight of gold. It has long been aſſerted, that traders have no country, and that they will ſell it together with their liberty, to any that will purchaſe them. See into what degeneracy, the United Provinces of the Netherlands are fallen.

They are no more than the empty ſhade of a republic. Though formed by a war of eighty years duration, and, till the peace of Utrecht, concerned in all the great tranſactions of Europe; they could not preſerve their courage, and love of liberty, during the calm of a peace of thirty years, which had extended their commercial connections, and increaſed their wealth. Not a ſingle ſpark of that genius, which John de Witt excited, has ſince been found among them; a revolution, the moſt aſtoniſhing in a free people, has taken place with the utmoſt facility, and was the work of a moment.

I muſt acknowledge, Sir, that I fear a much worſe event will befal the Americans; that by paths more difficult and laborious, they will be impelled to a revolution much more deſtructive than that of the Dutch. To juſtify my apprehenſions, let us return to an examination of the progreſs of the paſſions in ſociety. As ſoon as the inhabitants of your cities, corrupted by their wealth, look down with contempt upon husbandmen and mechanics, it is to no purpoſe that your laws have eſtabliſhed the moſt perfect equality. Theſe favorites of fortune will aſpire to conſtitute families of a ſuperior rank. If they have ſufficient prudence, and command of themſelves, to ſoothe the paſſions, to avoid offending prejudices, and to proceed gradually; let me aſk you, what muſt be the reſult of a revolution, which takes place, without reſiſtance, without commotion, without any

ſudden change, and merely becauſe knaves have none except fools to dupe? After having tried, and felt the patience of the people, will the ambition of the wealthy be ſatisfied with a ſecret and clandeſtine authority? They will not think that they poſſeſs power, if obliged to conceal or diſſemble its extent: in ſhort, ambition is not like avarice, which ſometimes buries its treaſures, and chuſes to affect the appearance of poverty. It is not that they wiſh to do evil, it is the power alone of doing it which they deſire; but the act will ſoon follow. Nothing is more rigorous than the dominion of avarice, becauſe it is inſatiable, and the whole wealth of the ſtate will ſoon be poſſeſſed by men, who were already corrupted by their own.

But if, on the contrary, ſuch a revolution is not effected by ſlow and fraudulent meaſures, if the wealthy openly, and without addreſs, aſpire to govern; it is certain that their fellow citizens, whom they would treat as ſubjects, will not ſubmit to the uſurpation: indignation will inſpire them with courage: they will forcibly reclaim the laws, and the inalienable authority of the people. Accuſtomed to regard the magiſtrates as their ſtewards, they will, in their anger, treat them as inſolent, and diſhoneſt ſervants. If in theſe conflicts the democracy is triumphant, it is eaſy to perceive that anarchy muſt be the reſult. What laws will then be reſpected? What form will be given to the government? Will a Medicis ariſe,

as in Florence, and uſurp the ſovereignty of his country? It is impoſſible to foreſee the event of this; becauſe, though there is but one way of acting right, there are a thouſand of doing wrong. If, on the contrary, an Ariſtocracy is erected upon the ruins of liberty, it will neceſſarily abuſe its authority. The more courage the people have diſplayed, the more will its timidity render it ſuſpicious and violent. Perhaps it will degenerate into an oligarchy, and triumvirs will quarrel for the honour of ſubduing the people, under the pretence of avenging their cauſe.

My friends often laugh at me and call me Prophet of ill, and I acknowledge, Sir, that I am ſo well acquainted with mankind, as not eaſily to hope for good. But in what I have now ſaid, I cannot think that I have at all exaggerated. When we ſee an irregular legiſlation, we cannot well be too apprehenſive, as hiſtory proves that the ſlighteſt inattention of the legiſlature may occaſion the greateſt diſorders. I foreſee that revolutions will happen in the United States of America; but this is not all; the worſt is, they will not be effected, like that in the United Provinces juſt mentioned, without diſturbance, violence, and commotions.

It is neceſſary to obſerve that this republic, when it ſhook off the yoke of Spain, as you have ſhaken off that of England, eaſily became habituated to obey a ſtadholder; a magiſtrate, whoſe almoſt regal authority held and united to-

gether all the ill connected parts of the confederacy. The virtues and talents of the firſt Princes of Orange long ſupplied whatever was deficient in the conſtruction of the government; and, on the other hand, the dread of the houſe of Auſtria, as Grotius obſerves, engaged theſe new republicans in cares too important not to ſuſpend the ill effects of their commercial ſpirit. The peace of Weſtphalia, and an amazing increaſe of wealth altered their diſpoſitions and introduced diſſentions. They diſtruſted the office of Stadholder; they thought it no longer neceſſary; they aboliſhed it, becauſe they no longer feared Spain; and the republic would then have fallen a prey to the moſt violent diſſentions, had not Lewis XIV engaged its attention, by alarming its fears. Parties united; the De Witts periſhed; the young Prince William III was made Stadholder; and Holland, inſpired with reſentment againſt France, and governed by the ableſt politician in Europe, was too far engaged in all the great wars, not to reſume ſome degree of that ſpirit, with which it was animated in its infancy.

After the death of William, the united provinces, having again aboliſhed the office of Stadholder, acted a very important part in the war for ſettling the Spaniſh ſucceſſion. Their troops, before this too much neglected, now reſumed their former diſcipline and courage. But the peace of Utrecht was not leſs fatal to them than that of Weſtphalia. Trading magiſtrates, ambitious, yet

rapacious, neglected their honour, and were entirely engaged in the care of their commerce. Europe was weary of a war by which she had been exhausted; and during the tranquillity of peace the united Provinces fell into the character natural to them. They declined without perceiving it. The nobility thought their rank next to that of the Stadholder, and saw with displeasure that some plebeian families, of greater wealth and abilities than the rest, had got possession of the public authority in their provinces. The rest of the commons, as they thought themselves degraded in being excluded from aspiring to the magistracy, longed for revenge, and wished for a revolution. The people, deprived of their suffrages, were overlooked, and only waited for a signal from the malecontents, in order to declare themselves. Complaints, murmurs, animosities increased every day, and war, caused by the Austrian succession, once more came to the relief of the United Provinces. Magistrates, who had abused their power during peace, were incapable of properly exerting it in this important crisis of affairs; a Stadholder was tumultuously demanded; he was immediately proclaimed. His dignity was rendered hereditary, because it was supposed the republic could not subsist without it. This power, being of greater weight, than that of all the factions that had been formed, extinguished all their animosities, gave them new interests, and obliged the Dutch to confine their attention to the concerns of their commerce.

I would desire the United States to reflect that, though they are threatened with the same divisions, the same disorders, they have not the same resource. I mean not, Sir, to blame your republics, for not having established among themselves an office similar to that of a Stadholder. This is not at all my opinion; nor can that prudence be sufficiently praised, with which you have so limited the power of your magistrates, that they cannot entertain even an idea of abusing it. In this respect you are perfectly secure; but you are by no means safe from those dangers, to which a commercial spirit, and an imaginary prosperity must continually expose you, and on which I have already sufficiently insisted. During the war you have had such powerful conviction of the advantages of your union, that this sentiment will not be soon obliterated, but can you hope that it will endure for ever. Each confederate Province of the Netherlands, is constantly reminded by its weakness, and the small extent of its territory, that it owes every thing to its union with the rest. In America on the contrary, several of your republics, when they have cultivated to the best advantage the lands they possess, may indulge the hope, not only of subsisting separately, but even of becoming a very considerable power. They will then regard the interests of the union, as a kind of servitude. You will also consider, Sir, that you have not, like the United Provinces, neighbours who alarm you, of whom you must be watchful, who suspend the activity of the

paſſions, and force you, in ſpite of your ſelves, to take meaſures for your ſafety. I heartily wiſh, Sir, that Canada could alarm you ſtill, as it did when ſubject to France. But it is ſcarcely probable that England, undeceived with reſpect to the hope of ſubduing you, which ſhe ought never to have entertained, will ſacrifice the advantages ſhe promiſes herſelf from your commerce, to I know not what ſentiments of revenge and pride, which are perhaps already extinguiſhed. The Spaniards, on the other hand, poſſeſs in America too much uſeleſs territory, to think of making conqueſts: Your other neighbours are ſavages, who are ſatisfied with their deſerts, and envy not your poſſeſſions. You have therefore none to fear except yourſelves; and if the United States rely too much upon that ſenſe of ſecurity which ſuch a ſituation inſpires, ſhall I not have reaſon to apprehend for them, the evils which I have already enumerated.

I ſhall perhaps be told that if any of your republics ſhould be torn with diſſentions, the neighbouring ſtates will interpoſe their mediation and ſoon ſucceed in reeſtabliſhing peace and harmony. Vain hope! Who knows not the influence which the words Liberty and Tyranny have over a people, that are not moulded to ſervitude? Commotions in any ſingle republic, like beacons, will ſerve to ſpread the alarm among all the reſt. The people, who, till then, might not even have reflected on their circumſtances, nor have any juſt

cauſe of complaint, will then have their ſuſpicions, their apprehenſions, which may perhaps be chimerical; but to which, fear, hope, and a thouſand other paſſions will give a real exiſtence. The flames of diſcord will ſpread, and if you cannot from yourſelves derive a remedy againſt this evil, every tie of your confederacy will moſt certainly be diſſolved.

This remedy Sir, your countrymen have in their own power: it is not neceſſary to conſtitute new magiſtracies, nor to create a Stadholder among you; all that is required is to confer on the continental congreſs ſuch an authority, as ſhall enable it to be as uſeful to you during the peace you will enjoy, as it was during the war by which you triumphed over your enemies. This auguſt aſſembly was the ring, the chain, that held the thirteen ſtates cloſely united; it was their ſoul; it gave to all one and the ſame intereſt. Of this we may be aſſured, as of a moſt certain and evident truth, that if each of your republics had been governed by its own particular deliberations, there would have been no unity in your operations, your deſigns would have defeated each other, your divided forces would have diſappointed your expectations, and, from not acting in concert, you would probably have been ſubdued. To this council you are indebted for your importance, your glory, your liberty. You have ſeen that all its deliberations have been dictated by prudence, by moderation, by courage, by juſtice and gene-

rosity. May this ſpirit ever ſubſiſt among you! But it will not ſubſiſt, unleſs you take thoſe meaſures which are beſt calculated to ſecure to Congreſs, the reſpect it now enjoys, and alſo to give it that authority, which it muſt have in order to cement your union, and prevent the evils I have mentioned, which are but too naturally incident to your conſtitution: this is a truth that can never be too frequently repeated.

In order to prepare for this important work, I wiſh, Sir, that each republic would make a law, to inveſt with its powers in the continental Congreſs only thoſe citizens, who have already been employed in the council entruſted with its executive power, and have there diſtinguiſhed themſelves by their probity and abilities. I wiſh it to be eſtabliſhed among you as the ſentiment of the public, that to be delegated to the council of your Amphyctiones, is the greateſt honour to which a citizen can aſpire. You muſt eaſily perceive how much this mode of thinking is calculated to inſpire your citizens with emulation, and with confidence, as well as reſpect towards a council, which is ſtill more neceſſary to you, than it was formerly to the republics of Greece.

Your conſtitutions have decreed that theſe magiſtrates may be recalled at any time of the year; of this too timid, ſuſpicious, and diſtruſtful law, permit me, Sir, to aſk what can be the ſpirit; eſpecially as their office is for no longer than for a year,

and

and consequently cannot be dangerous to liberty? Take care, lest you open a door to the intrigues of candidates, who have been rejected in your elections, and expose yourselves to cabals that may disturb your quiet. Give me leave to observe, that nothing can be more dangerous to a republic, than to depose its magistrates merely by withdrawing its confidence. Of this the Swedes have lately experienced the bad consequences; for it was this despotical manner of treating their senators, that destroyed the influence of the senate, and weakened all the springs of the Sweedish constitution. I will add that this law, of which I complain, obtrudes a suspicion, that the intentions of your several republics are not very consistent with their real interests. For what reason, would you wish to have it at all times in your power, to recall the minister whom you have deputed to Congress? I cannot penetrate your motive, for it would be folly to suppose that a republic of the American confederacy could be apprehensive that its minister would betray his country, or neglect its interests. Can it be averse to an acquiescence in the views of an assembly whose first, and indeed only duty, is to consult the general interests of the union? This would betray an entire ignorance of the nature of this august assembly; it would be confounding it with the congresses which are sometimes assembled in Europe, to terminate differences between inimical powers, who wish to be reconciled, only that they may over-reach one another as much as possible, and, by a patched up peace,

ſecure to themſelves ſome advantage againſt a new war. What then can be the ſpirit of this law? Your enemies, Sir, will ſay, that the States of the American confederacy have reſerved to themſelves, the right of recalling at pleaſure their deputies to Congreſs, only from motives of ambition. If theſe Miniſters have not art and ſubtilty, diſſimulation and obſtinacy ſufficient to render their opinions prevalent, their conſtituents wiſh to have it in their power, at all times, to appoint others to ſucceed them, who may have greater abilities, and be capable of taking the lead among their colleagues, of rendering their ſentiments predominant, and of eſtabliſhing a preponderating power in an aſſociation, of which the whole utility, and even exiſtence, depend entirely upon equality. A Policy falſe, diſgraceful, and fatal; which would ſuppoſe, in America, an ambition ſimilar to that, which once ruined the Amphyctionic council! As ſoon as corruption had rendered it the center of intrigue and cabal, Greece was no longer capable of uniting its powers; the influence of Philip of Macedon prevailed, and the Greeks loſt their freedom.

Let the United States take warning from this important leſſon. Let their firſt inſtructions to their Delegates be, that they ſhould make it their chief buſineſs to conciliate the diſpoſitions, and to unite the intereſts of all. Let them be directed even to ſacrifice ſomething for the ſake of peace and concord. It is by this beneficent and gene-

rous policy, which every nation ought to adopt, that confederate communities may daily increaſe the intimacy and utility of their alliance. In ſhort, it is of advantage to the particular happineſs of each republic; not to deſire a predominant influence in congreſs, but to acquieſce in the deſigns and reſolutions of a body, that conſults the general intereſts of the confederacy. If my remarks be juſt, ſo far from wiſhing to diminiſh the credit of Congreſs, you ſhould endeavour to increaſe its authority. Threatened with the diſturbances, diviſions, and internal diſorders already mentioned, a ſupreme magiſtracy is indiſpenſably neceſſary to prevent or terminate them; nor can you veſt this with ſafety, except in a body, conſiſting of the moſt reſpectable citizens of each ſtate.

This is an object of ſo much importance, that it requires further conſideration. You will pleaſe to obſerve, Sir, that as the inhabitants of America will have different profeſſions, rights, fortunes, manners, and will conſequently view their intereſts in different lights; the various paſſions reſulting hence muſt neceſſarily excite murmurs and complaints. As theſe increaſe in aſperity, they will occaſion diſſentions, that will give riſe to fatal diſturbances, if, inſtead of being cruſhed in their birth, they are ſuffered ſecretly to ferment in cabal and intrigue. What vent, if I may thus expreſs myſelf, have you provided for theſe humours, to prevent their cauſing diſorders fatal to

the body politic? If citizens, who may imagine that they have juſt cauſe of complaint, have not legal means of obtaining an impartial hearing, you may be certain that as they will act with impetuoſity, and without regularity, they will proceed to the laſt extremities. It is for this reaſon, that all politicians, have greatly admired the eſtabliſhment of tribunes in the republic of Rome. The people, certain of having protectors, depended upon them for the care of their intereſts, and theſe popular magiſtrates themſelves were obliged to keep within certain bounds. They had preſcribed to themſelves regulations and modes of proceeding, which reſtrained them from behaving with the inconſideration and violence common to the multitude. How ſalutary was the appointment of theſe magiſtrates, may be ſeen in Cicero's treatiſe upon laws. But would it not be dangerous to admit this eſtabliſhment at preſent among you? You have not the manners of the ancient Romans, and I fear your tribunes would reſemble thoſe of the later periods of Rome, who were ſeditious men, that ſacrificed the intereſts of the republic to that of their paſſions. The authority of Congreſs, if you give it the extent and credit which it ought to poſſeſs, will amply ſupply the place of thoſe magiſtrates. While they ſee a judge over them, the rich will be more circumſpect in their deſigns, and the people leſs apprehenſive and ſuſpicious. The hope of reeſtabliſhing the office of Stadholder reſtrained the malecontents of the Netherlands from taking violent meaſures. In like

manner, the hopes, or fears of a judicial decision will calm the minds of the Americans. If your malecontents can addreſs their remonſtrances only to the legiſlative body, or to the magiſtrates intruſted with the executive power, they will experience the fate of the repreſenters of Geneva, and deſpair will prompt the moſt violent reſolutions. I can ſee only one reſource for the Americans, which is, to render the continental Congreſs the ſupreme judge of every difference that may ariſe between the ſeveral ranks of citizens, in all the ſtates of the union Why ſhould your legiſlators object to enter into this meaſure, as they have already entruſted this tribunal with the more important prerogative of taking cognizance of all the differences, that may take place between your ſeveral republics, either with reſpect to their territories, or any other object? They have not thought it derogatory either to their ſovereignty, or to their independence, to reſign to Congreſs alone the right of treating with foreign powers, and to renounce that of making any particular convention even among themſelves without its approbation. If the rich ſhould oppoſe the law I have ſuggeſted, it would be a certain ſign that they already form projects either of vanity or of ambition. This I cannot think, Sir; and I rather hope, that if they are convinced my apprehenſions are not chimerical, they will with pleaſure behold a power eſtabliſhed in your confederacy, that is favorable to equality, that will preſerve the firſt claſs of citizens from an ambition, which

would terminate in their ruin, and the loweſt ranks from a ſervility and wretchedneſs, the effects of which, notwithſtanding all their endeavours to avoid it, would ſoon recoil upon the wealthy.

You cannot confer too much power on your Amphyctionic council, becauſe there is no poſſibility of its abuſing the truſt. It is inconſiſtent with the nature of the human heart, to ſuppoſe that men inveſted with a tranſient magiſtracy, and who muſt ſoon return to their country and mingle with their fellow citizens, ſhould form ſchemes of uſurpation and tyranny. Is it at all probable that delegates, from ſeveral different provinces, ſituated at a diſtance from each other, between whom no previous intimacy, and, for the moſt part, no intercourſe of any kind has ever ſubſiſted, ſhould place ſufficient confidence in each other, to enter upon a conſpiracy together, and plan a ſcheme to enſlave the confederacy? I know, Sir, that liberty muſt be vigilant and ſuſpicious; but it muſt alſo poſſeſs ſound judgment, and not be terrified with chimeras. It would indeed be a moſt extraordinary caprice of fortune, if all the thirteen united States ſhould, at the ſame time, elect villains to repreſent them. But it would be ſtill more extraordinary, if theſe ſhould all agree; if they had all one common intereſt; if their views and meaſures did not counteract each other.

I muſt intreat you, Sir, to excuſe my having dwelt

too long upon this ſubject; but all the Americans poſſeſs not your knowledge; and for them I write. Give me leave then further to examine the law, by which all your republics have decreed, that every year, new deputies ſhould be ſent to Congreſs. I ſhould have been almoſt as well pleaſed, if it had been ordered to diſregard reaſon in its deliberations. Before theſe new delegates have had time ſufficient to know, to examine and to underſtand each other, their uſeleſs magiſtracy will expire. If you had dreaded having fixed and conſtant principles of adminiſtration among you, you could not have eſtabliſhed a better regulation. Who will aſſure you, that the Congreſs of the next year, ſhall not undo all which the preſent congreſs has done? One able, obſtinate and eloquent man is ſufficient to overturn the whole. You expoſe yourſelves to all the inconveniences experienced by England from changing her method of proceeding and her politics with every reign, and even with every alteration of the miniſtry, ſo that in a little time it is impoſſible to know, either what is done, or what is deſigned, or what can be done. In this fluctuating ſtate of affairs, none dare to confide in government, and a ſpirit of intrigue acquires new ſtrength.

I have expreſſed a wiſh, that the magiſtrates who are intruſted with the executive power in your ſeveral republics, were continued in office longer than the preſent laws allow, and even that the regulations of Penſylvania ſhould be amended

in this particular: for the ſame reaſons, I now wiſh that the delegates to the continental Congreſs might retain their magiſtracy at leaſt during three years; and that this auguſt aſſembly, by means of a rotation, like what Penſylvania has eſtabliſhed in the executive power, might always regularly change its members, and yet always preſerve the ſame maxims. New magiſtrates, inſtead of introducing their own fancies every year, would aſſume the ſpirit of thoſe whom they ſucceed. Affairs would ſoon be adminiſtered according to fixed principles, and government would acquire a certain character. You would experience nothing of that fatal uncertainty by which the citizens are filled with uneaſineſs and apprehenſion; and becauſe they know not where to place their confidence, loſe their attachment to their country, and, contrary to their inclinations, are betrayed into deſtructive deſigns, Be aſſured that the example of prudence, which congreſs would afford, would not be uſeleſs to the magiſtrates of your ſeveral republics. Then, Sir, if, as I have too much reaſon to fear, the American confederacy ſhould by its commerce and manners be inclined or impelled towards Ariſtocracy, the tranſition will be imperceptible, without violence, or commotion. The claims of the rich will be gradually allowed, but the rights of the poor will ſtill be protected. Cuſtom will eſtabliſh expedients to which it is impoſſible to give the ſanction of laws; but which habit will render tolerable, and at length ſacred. The Poor, not being oppreſſed,

will be reconciled by cuſtom to their lot; ſubordination will be no longer offenſive to the people, who, as they are happy, will conclude that the diſtinctions enjoyed by the rich are legally their due. Thus an Ariſtocracy, enjoying its prerogatives in peace, will, in America as well as in Switzerland, be free from the vices natural to it.

I wiſh, Sir, that every ten or twelve years, you would celebrate, as a moſt ſolemn feſtival, the day on which you declared yourſelves free from the Britiſh Dominion. After having returned thanks to the ſovereign ruler of the world for the bleſſings, with which he has favoured you; let joy enliven all the countries of the confederacy. Let illuminations, diverſions, and dancing ſummon all the citizens to pleaſure. Let the magiſtrates and the wealthy mingle with the populace; In this ſpecies of Saturnalia let the great ſet an example of equality, thence let the people learn to love their country, and their ſuperiors. On this day, let Ambaſſadors from each republic ſolemnly renew their alliance in preſence of congreſs. Let the Deity be called upon, as witneſs to their promiſes and oaths, and let the act be depoſited with pomp in all the churches of your ſeveral communions. Afterwards let the members of Congreſs reſign their ſeats to the Ambaſſadors who repreſent the ſovereignty, and do homage to that power of which they are no more than the ſervants; let them invoke the name of God and ſwear in the preſence of the people, ſtrictly to obſerve the

laws, to defend the union, and to obey the dictates of justice in all their decisions. We are endued with senses, and they must be forcibly affected, in order to render those truths respectable which are necessary to us; but which the multitude do not comprehend.

When during the tranquillity of peace you review your laws and situation, I doubt not that the United States will, in the most advantageous manner, repair those inadvertencies which have escaped their first legislators. At the instant of accomplishing a revolution so important and extraordinary as yours, it is impossible that, while alarmed by apprehension, and surrounded with danger, amidst thousands of old prejudices, and new passions, the human mind should immediately comprehend abstract truths in all their extent, together with the art of so arranging laws, as to give them the greatest possible utility. You will now amend the whole; but you cannot begin too early; for time gives credit to errors. Take advantage of the present moment, while commerce has not yet inspired the rich with ideas of vanity and ambition; and while the cultivators of your lands, relying upon the eternal stability of your laws, do not even suspect that a design can possibly be formed to oppress them. If the dissentions I apprehend should happen to break out before the work of your legislation can be compleated, it will perhaps be too late to apply efficacious remedies to the evil. You must then be satisfied with palliatives

which will ſeem, for a time, to pacify the minds of the people, but as they will not reſtore confidence, the ſtate will ſtill be expoſed to frequent relapſes, each of which will be attended with increaſing danger.

If domeſtic diſſentions ſhould ariſe in any of the United States, before the citizens have diſcovered in their conſtitution a mode of terminating them, either amicably, or by judicial proceſs; it is plain Sir, that the oppoſite parties can give no pledge to each other, except words and promiſes, and upon ſuch ſlight ſecurity, it is impoſſible to build a laſting peace. A general diſtruſt will prevail; ſome will hope for the future to ſucceed by being more artful in their conduct; and others will obſerve them, with that ſuſpicious vigilance, which is eaſily offended, and gives to every thing a bad conſtruction. Peace therefore will be broken. But who can be certain that perſons of worth will then ſtill be attended to? A ſpirit of ſedition is contagious among communities. Perhaps even ſome of the rich, from private conſiderations, may betray the cauſe of Ariſtocracy, while the moſt turbulent and ſeditious rule the deliberations of the multitude. Mutual injuries will be committed, and inveterate animoſities, ever unjuſt and blind, will at laſt determine the fate of the republic.

Flatter not yourſelves that ſome neighbouring ſtate will interfere in theſe diſputes, and be able to

appeaſe them by its mediation. Such mediators will be too much ſuſpected by the democratic party, to be truſted by them; they will be conſidered only as perſons zealous for the claims of the Ariſtocracy. If in theſe circumſtances, Congreſs, without any other authority than it at preſent poſſeſſes, ſhould ſend deputies to reconcile the diſpoſitions of the citizens, and to reſtore peace; would they be attended to with greater reſpect and confidence? It would be obſerved that this body conſiſts of the richeſt, and moſt conſiderable men of the confederacy; this would be ſufficient to render them ſuſpected, and even accuſed, of being more inclined to favour the claims of the rich, than the rights of the poor. As they are not legally conſtituted as judges, and cannot appear with the majeſty and ſolemnity of an ancient and revered tribunal, the decrees of which are equally beloved and feared, they could only tender their good offices: feeble reſource! Diſturbances would break out again; men are made dupes only once, and would believe them no more.

I have dwelt too long upon this ſubject, Sir, and I ſhall only obſerve, that with the manners we have in Europe, and which probably are already too general in America, wealth muſt at laſt uſurp an abſolute empire. All efforts made to oppoſe it will be fruitleſs; but it is not impoſſible, by many precautions, to prevent this empire from becoming tyrannical Unleſs the laws are efficacious, and prevent merchants from poſſeſſing the whole

whole authority; unleſs the public manners come to the aſſiſtance of the people, and preſcribe limits to rapacity, I tremble leſt every tie of your confederacy ſhould be at length diſſolved. Commercial magiſtrates will impreſs their own character on the republic; each of the united ſtates will engage in trade, and this will prove the ſource of diviſions among you, and the ruin of the continental Congreſs. As you have our vices, you will ſoon have our politics. Each of your ſtates, will think that by injuring the commerce of others, it advances it own: ſo imperious and fooliſh a paſſion is avarice. It will perſuade you that war is neceſſary to increaſe your wealth: you will have a Carthage, at once commercial and warlike, and its ambition, grafted upon its avarice. will wiſh to ſubdue its neighbours, to treat them as ſubjects, and perhaps even as ſlaves. In order to oppoſe this, a rival potentate will be formed, you will have our fallacious political object, a balance of power; treaties will loſe their influence; all alliances will be uncertain and fluctuating; and your ſtates, in purſuit of a phantom, will neglect their true intereſts.

But I have already ſaid too much, and I ſhould weary you, Sir, ſhould I attempt to prove that my apprehenſions are not groundleſs. In this all hiſtory would aſſiſt me; but with hiſtory you are better acquainted than myſelf. I could ſhew how inſeparably our vices are connected with each other; but I ſhould tell you nothing new; your own ſtu-

dy of the human heart muſt have rendered all theſe truths familiar to you. None, Sir, can be more intereſtad than myſelf in your tiſing liberty, and in the honour of your legiſlators; on whom no blame can poſſibly be caſt, if it be evident that they have ſeen the rocks, on which a republic may ſtrike; and that they have endeavoured to guard againſt that fatality, which ſeems to have ſet bounds to all human affairs. I offer the moſt fervent prayers for your proſpetity; and I beg, Sir, you will never forget the aſſurance I give you of my zeal for your intetereſts, my reſpect and attachment.

PASSY 20th *Auguſt* 1783.